

IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY

DUPLICATE

I TE KŌTI MATUA O AOTEAROA  
TĀMAKI MAKĀURAU ROHE

CIV-2024-404-2868

IN THE MATTER

of an application under section 32 of the  
Receiverships Act 1993

AND

IN THE MATTER

of **NONI B HOLDINGS NZ LIMITED** (in receivership  
and administrators appointed)

AND

IN THE MATTER

of an application by **LEON FRANCIS BOWKER** and  
**KRISTAL LOUISE PIHAMA** of KPMG Auckland, 18  
Viaduct Harbour Avenue, Auckland 1010

**Applicants**

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ORDERS FOR SEALING

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## ORDER OF THE COURT

1. The originating application without notice under section 32 of the Receiverships Act 1993 for orders as to personal liability made by Leon Francis Bowker and Kristal Louise Pihama ("**Receivers**") as receivers of Noni B Holdings NZ Limited ("**Noni B NZ**") was determined by the Honourable Justice Gordon on the 13th of November 2024.
2. The determination was made without a hearing.
3. The following orders were made:

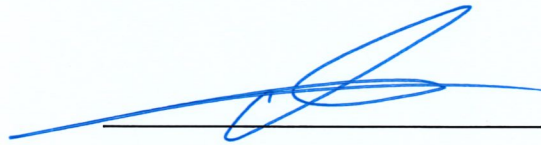


- (a) the period under section 32(1)(b) of the Receiverships Act 1993 ("**Act**") within which notice of termination of Noni B NZ's contracts of employment relating to the property in receivership ("**Employment Agreements**") is required to be given by the Receivers to employees of Noni B NZ is extended to end on 13 February 2025;

(b) the Receivers' liability under section 32(5) of the Act for rent and other payments becoming due under agreements relating to Noni B NZ's use, possession and occupation of property in receivership (including the leases identified in the Schedule to the originating application) ("**Property Agreements**") be limited to that portion of the rent or other payments that accrues from 14 February 2025 until the earlier of the date:

- (i) that the receivership ends; or
  - (ii) on which Noni B NZ ceases to use, possess or occupy the property subject to the Property Agreements;
- (c) the Receivers are permitted to bring these proceedings by way of originating application;
  - (d) the Receivers are granted leave to commence these proceedings without notice;
  - (e) notice of the orders will be provided by circular to the creditors and counterparties to the Employment Agreements and Property Agreements of Noni B NZ:
    - (i) sent by email where an email address is known to the Receivers or by post if a postal address (but no email address) is known to the Receivers; and
    - (ii) posted on the KPMG website at [www.kpmg.com/nz](http://www.kpmg.com/nz);
  - (f) leave is reserved for any person who can demonstrate a sufficient interest in the receivership of Noni B NZ to apply (on notice) to vary or set aside these orders; and
  - (g) leave is reserved to the Receivers to apply further in respect of any modifications or ancillary issues arising out of the orders made.

DATED: 13<sup>th</sup> November 2024



ANNY KIM  
DEPUTY REGISTRAR  
HIGH COURT

(Deputy) Registrar

