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No: CR-2016-003595

CR-2016-003595

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
IN THE COMPANIES COURT
AND IN BANKRUPTCY
IN THE MATTER OF AN OFFICEHOLDER
AND IN THE MATTER OF GOODENOUGH ASSOCIATES LIMITED AND OTHERS
AND IN THE MATTER OF THE INSOLVENCY ACT 1986

THE HONOURABLE MR JUSTICE HILDYARD

Date: 8th November 2016

BETWEEN

(1) NEIL JOHN MATHER
(2) ANDREW DAVID DICK

Applicants

and

(1) MARK ROBERT FRY
(2) KIRSTIE JANE PROVAN
(3) IAN EDWARD WALKER
(4) GARY PAUL SHANKLAND
(5) NEIL FRANK VINNICOMBE
(6) VIVIAN MURRAY BAIRSTOW
(7) NIGEL GEOFFREY ATKINSON
(8) DAVID RUBIN
(9) ASHER MILLER

Respondents

ORDER

UPON the Applicants' application by their notice dated 27 June 2016

IT IS ORDERED

- 1 The County Court proceedings listed in Schedule F (*Bankruptcies*) to this Order be transferred to the High Court for the purpose only of this application and forthwith after the making of this Order be transferred back to the County Court

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- 2 In respect of each Members' Voluntary Liquidation listed in Schedule A (*Members' Voluntary Liquidations*) to this Order, pursuant to section 108 of the Insolvency Act 1986
 - a Mr Neil John Mather be removed as joint liquidator
 - b Mr Irvin Cohen be appointed as joint liquidator on the same terms as Mr Mather previously acted
- 3 In respect of each Creditors' Voluntary Liquidation listed in Part I of Schedule B (*Creditors' Voluntary Liquidations*) to this Order, pursuant to section 108 of the Insolvency Act 1986
 - a Mr Neil John Mather be removed as joint liquidator
 - b Mr Irvin Cohen be appointed as joint liquidator on the same terms as Mr Mather previously acted
4. In respect of each Creditors' Voluntary Liquidation listed in Part II of Schedule B (*Creditors' Voluntary Liquidations*) to this Order, pursuant to section 108 of the Insolvency Act 1986
 - a Mr Neil John Mather be removed as liquidator
 - b Mr Mark Robert Fry and Mr Irvin Cohen be appointed as joint liquidators and have the power to act jointly and severally so that all functions may be exercised by any or all of them
- 5 In respect of each Creditors' Voluntary Liquidation listed in Part III of Schedule B (*Creditors' Voluntary Liquidations*) to this Order, pursuant to section 108 of the Insolvency Act 1986
 - a Mr Neil John Mather be removed as joint liquidator
 - b Mr Simon Haskew be appointed as joint liquidator on the same terms as Mr Mather previously acted
- 6 In respect of each Creditors' Voluntary Liquidation listed in Part IV of Schedule B (*Creditors' Voluntary Liquidations*) to this Order, pursuant to section 108 of the Insolvency Act 1986
 - a Each of Mr Neil John Mather and Mr Andrew David Dick be removed as joint liquidator
 - b Mr Irvin Cohen and Mr Mark Robert Fry be appointed as joint liquidators on the same terms as Mr Mather and Mr Dick respectively previously acted
7. In respect of each Compulsory Liquidation listed in Part I of Schedule C (*Compulsory Liquidations*) to this Order, pursuant to sections 168(3) and 172(2) of the Insolvency Act 1986
 - a Mr Neil John Mather be removed as joint liquidator
 - b Mr Irvin Cohen be appointed as joint liquidator on the same terms as Mr Mather previously acted
- 8 In respect of each Compulsory Liquidation listed in Part II of Schedule C (*Compulsory Liquidations*) to this Order, pursuant to section 172(2) of the Insolvency Act 1986, Mr Neil John Mather be removed as joint liquidator
- 9 In respect of each Provisional Liquidation listed in Part I of Schedule D (*Provisional Liquidations*) to this Order, pursuant to sections 135 and 172(2) of the Insolvency Act 1986 and Rules 4.31(1) and 4.31(2) of the Insolvency Rules 1986
 - a Mr Neil John Mather be removed as joint provisional liquidator
 - b Mr Irvin Cohen be appointed as joint provisional liquidator on the same terms as Mr Mather previously acted

- 10 In respect of each Provisional Liquidation listed in Part II of Schedule D (*Provisional Liquidations*) to this Order, pursuant to sections 135 and 172(2) of the Insolvency Act 1986 and Rules 4 31(1) and 4 31(2) of the Insolvency Rules 1986
 - a Mr Neil John Mather and Mr Andrew David Dick be each removed as joint provisional liquidator
 - b Mr Irvin Cohen and Mr Mark Robert Fry be each appointed as joint provisional liquidator on the same terms as Mr Mather and Mr Dick respectively previously acted
- 11 In respect of each Administration listed in Schedule E (*Administrations*) to this Order, pursuant to paragraphs 63 and 88 of Schedule B1 to the Insolvency Act 1986
 - a Mr Neil John Mather be removed as joint administrator
 - b Mr Irvin Cohen be appointed as joint administrator on the same terms as Mr Mather previously acted
- 12 In respect of each Bankruptcy listed in Schedule F to this Order (*Bankruptcies*), pursuant to section 298 of the Insolvency Act 1986
 - a Mr Neil John Mather be removed as joint trustee in bankruptcy
 - b Ms Julie Palmer be appointed as joint trustee in bankruptcy on the same terms as Mr Mather previously acted
- 13 The period to be covered by progress reports to creditors and the dates by which those reports need to be sent to creditors and filed with the registrar of companies (if applicable) shall not be altered by virtue of the making of this order or the replacement of the Applicants pursuant to this order, and this provision shall override any requirement in the Insolvency Rules 1986 that would otherwise require a report to be made to creditors or would otherwise alter the period to be covered by progress reports or the dates by which those reports need to be sent to creditors and companies house, on the termination, commencement of replacement of an office holders appointment, including those set out in rules 4 49B(5), 4 49C-CVL(3) and 6 78A(4) of the Insolvency Rules 1986
- 14 Pursuant to section 174(5) of the Insolvency Act 1986 and paragraph 98(2)(c) of schedule B1 thereto
 - a Mr Neil John Mather be released from liability in respect of acts and omission of his in
 - i the provisional liquidations listed in Schedule D (*Provisional Liquidations*) to this Order, and
 - ii the administration of Priest & Co Ltd,
 - b Mr Andrew David Dick be released from liability in respect of acts and omission of his in the provisional liquidations in Part II of Schedule D (*Provisional Liquidations*) to this Order,

with effect from the date falling 28 days of the notice referred to in paragraph 16 below
- 15 Each creditor of any of the persons listed in the Schedules to this Order has permission to apply to vary or discharge this Order (insofar as it relates to a person of whom they are a creditor) within 28 days of the notice referred to in paragraph 16 below
- 16 The Applicant must give notice of this Order to the creditors of the persons listed in the Schedules to this Order within 28 days of this Order by means of an advertisement in the London Gazette

17 The costs of and incidental to this Application which may be recharged as costs of the procedures set out in each of the Schedules to this Order are fixed at £7,587 70 These costs shall

- a subject to (b) below, be borne in equal shares between the each of the procedures set out in each of the Schedules to this Order, as expenses of the relevant officeholders in that procedure, and
- b if the costs which fall to be borne by any estate of any natural or incorporated person subject to the procedures listed in the Schedules to this Order would exceed 10 per cent of the readily realisable assets of that estate
 - i such estate will bear an amount equal to that sum, and
 - ii the costs payable by the other estates shall be determined pursuant to the following formula

$$A + B / (C - D)$$

Where

A = the aggregate cost divided by the number of procedures set out in the Schedules to this order

B = the aggregated difference between A and 10 per cent of the readily realisable assets in the case of each estate

C = the number of estates where the costs do not exceed 10 per cent of the readily realisable assets

D = the number of estates where the costs exceed 10 per cent of the readily realisable assets

18 This Order shall be served by the Applicants on each of the Respondents

Service of this Order

The Court has provided ten sealed copies of this Order to the serving party's solicitors Ince & Co LLP, Aldgate Tower, Leman Street, London E1 8QN (Ref LS/6694)

Schedule A – Members' Voluntary Liquidations

Name	Number	Appointment type	Date of entry into procedure	Appointee(s) prior to this Order	Court	Court number
Goodenough Associates Limited	04822219	Joint liquidator	21/04/2010	Mr Nigel Geoffrey Atkinson, Mr Neil John Mather	N/A	N/A
Tekxel Limited	02439691	Joint liquidator	18/12/2015	Mr Gary Paul Shankland, Mr Neil John Mather	N/A	N/A

Schedule B – Creditors' Voluntary Liquidations

Name	Number	Appointment type	Date of entry into procedure	Appointee(s) prior to this Order	Court	Court number
PART I						
Amberfield School Educational Trust Limited	00731980	Joint liquidator	07/06/2014	Ms Kirstie Jane Provan, Mr Neil John Mather	High Court	9314 of 2011
Betex Group plc	05450662	Joint liquidator	27/11/2015	Mr Gary Paul Shankland, Mr Neil John Mather	N/A	N/A
Dawson and Gibbons Limited	00585995	Joint liquidator	20/12/2011	Mr Gary Paul Shankland, Mr Neil John Mather	High Court	1311 of 2011
Fieldcrown Construction Limited	03576391	Joint liquidator	04/06/2013	Mr Mark Robert Fry, Mr Neil John Mather	High Court	4849 of 2012
Fieldcrown Special Works Limited	04120979	Joint liquidator	04/06/2013	Mr Mark Robert Fry, Mr Neil John Mather	High Court	4850 of 2012
Heraldend Limited	01337912	Joint liquidator	11/05/2015	Mr Gary Paul Shankland, Mr Neil John Mather	N/A	N/A
Imagine Furnishings Limited	05362737	Joint liquidator	08/06/2010	Mr Mark Robert Fry, Mr Neil John Mather	High Court	10689 of 2008
Kraken Sport & Media Public Limited Company (Gibraltar)	95488	Joint liquidator	02/06/2010	Mr Mark Robert Fry, Mr Neil John Mather	High Court	14974 of 2009
Kraken Sport & Media UK Limited	05333482	Joint liquidator	08/06/2010	Mr Mark Robert Fry, Mr Neil John Mather	High Court	14973 of 2009
Matrix-Securities Limited	02083169	Joint liquidator	02/07/2013	Ms Kirstie Jane Provan, Mr Neil John Mather	High Court	8189 of 2012

Matrix Alternative Asset Management LLP	OC304959	Joint liquidator	10/12/2012	Ms Kirstie Jane Provan, Mr Neil John Mather	N/A	N/A
Matrix Corporate Capital LLP	OC319462	Joint liquidator	07/01/2013	Ms Kirstie Jane Provan, Mr Neil John Mather	N/A	N/A
Matrix Group Limited	03309770	Joint liquidator	02/07/2013	Ms Kirstie Jane Provan, Mr Neil John Mather	High Court	8188 of 2012
Matrix Money Management Limited	03641363	Joint liquidator	03/12/2012	Ms Kirstie Jane Provan, Mr Neil John Mather	N/A	N/A
Tallygenicom Limited	00820842	Joint liquidator	05/02/2010	Mr Nigel Geoffrey Atkinson, Mr Neil John Mather	High Court	10639 of 2009
PART II						
Hexhall Erskine Services Limited	03067392	Liquidator	22/04/2010	Mr Neil John Mather	High Court	13312 of 2009
Hexhalls LLP	OC311837	Liquidator	19/11/2009	Mr Neil John Mather	High Court	13083 of 2009
PART III						
DPS (Bristol) Limited	05170898	Joint liquidator	28/08/2015	Mr Neil Vinnicombe, Mr Frank John Mather	High Court	5987 of 2014
PART IV						
Euclidian Group Plc	03917054	Joint liquidator	11/03/2005	Mr Andrew David Dick, Mr Neil John Mather	N/A	N/A
Euclidian Underwriting Ltd	03194454	Joint liquidator	24/03/2005	Mr Andrew David Dick, Mr Neil John Mather	N/A	N/A

Schedule C – Compulsory Liquidations

Name	Number	Appointment type	Date of entry into procedure	Appointee(s) prior to this Order	Court	Court number
PART I						
ZBV (Winfrith) Limited	06314893	Joint liquidator	25/09/2014	Mr Vivian Murray Bairdow, Mr Neil John Mather	High Court	4805 of 2014
PART II						
Gizmondo Europe Limited	04620348	Joint liquidator	02/02/2006	Mr Mark Robert Fry, Mr David Rubin, Mr Asher Miller, Mr Neil John Mather	High Court	454 of 2006

Schedule D – Provisional Liquidations

Name	Number	Appointment type	Date of entry into procedure	Appointee(s) prior to this Order	Court	Court number
PART I						
ACAL Underwriting Limited	05273956	Joint provisional liquidator	31/07/2012	Mr Mark Robert Fry, Mr Neil John Mather	High Court	6091 of 2012
Kite Dedicated Limited	04011388	Joint provisional liquidator	28/05/2012	Mr Mark Robert Fry, Mr Neil John Mather	High Court	503 of 2012
PART II						
Euclidian (No 1) Limited	02980495	Joint provisional liquidator	20/04/2005	Mr Andrew David Dick, Mr Neil John Mather	High Court	2526 of 2005
Euclidian (No 2) Limited	02980502	Joint provisional liquidator	20/04/2005	Mr Andrew David Dick, Mr Neil John Mather	High Court	2527 of 2005
Euclidian (No 3) Limited	02980509	Joint provisional liquidator	20/04/2005	Mr Andrew David Dick, Mr Neil John Mather	High Court	2530 of 2005
Euclidian (No 4) Limited	02980517	Joint provisional liquidator	20/04/2005	Mr Andrew David Dick, Mr Neil John Mather	High Court	2529 of 2005
Euclidian (No 5) Limited	02980526	Joint provisional liquidator	20/04/2005	Mr Andrew David Dick, Mr Neil John Mather	High Court	2531 of 2005
Euclidian (No 6) Limited	02864232	Joint provisional liquidator	20/04/2005	Mr Andrew David Dick, Mr Neil John Mather	High Court	2532 of 2005
Euclidian (No 7) Limited	04366829	Joint provisional liquidator	20/04/2005	Mr Andrew David Dick, Mr Neil John Mather	High Court	2533 of 2005
Euclidian (No 8) Limited	04366831	Joint provisional liquidator	20/04/2005	Mr Andrew David Dick, Mr Neil John Mather	High Court	2534 of 2005

					Mr Neil John Mather			
Euclidian (No 9) Limited	04897309	Joint provisional liquidator	20/04/2005	Mr Andrew David Dick, Mr Neil John Mather	High Court	2535 of 2005		
Euclidian (No 10) Limited	04897338	Joint provisional liquidator	20/04/2005	Mr Andrew David Dick, Mr Neil John Mather	High Court	2536 of 2005		

Schedule E – Administrations

Name	Number	Appointment type	Date of entry into procedure	Appointee(s) prior to this Order	Court	Court number
JG Eaglescliffe Holdings Limited	05736693	Joint administrator	07/09/2010	Mr Mark Robert Fry, Mr Neil John Mather	High Court	7199 of 2010
JG Eaglescliffe Investments Limited	04785053	Joint administrator	07/08/2010	Mr Mark Robert Fry, Mr Neil John Mather	High Court	6968 of 2010
Metroplex Group Ltd	04922538	Joint administrator	05/12/2013	Ms Kirstie Jane Provan, Mr Neil John Mather	High Court	8191 of 2013
Millburn Insurance Company Limited	00416596	Joint administrator	09/12/2013	Mr Mark Robert Fry, Mr Neil John Mather	High Court	8499 of 2013
Priest & Co Ltd	01682825	Joint administrator	13/05/2014	Ms Kirstie Jane Provan, Mr Neil John Mather	High Court	3161 of 2014

Schedule F – Bankruptcies

Name	Number	Appointment type	Date of entry into procedure	Appointee(s) prior to this Order	Court	Court number
Bernard James McDade	N/A	Joint trustee	13/03/2013	Mr Ian Edward Walker, Mr Neil John Mather	Torquay & Newton Abbot County Court	271 of 2012