

DUPLICATE

In the High Court of New Zealand
Wellington Registry

CIV-2018-485- 792

I Te Kōti Matua o Aotearoa
Te Whanganui-ā-Tara Rohe

Under the Receiverships Act 1993 and Part 19 of the High Court Rules

In the matter of Ebert Construction Limited (in receivership and liquidation)

Between

Lara Maree Bennett, John Howard Ross Fisk and Richard Michael Longman

Applicants

and

Ebert Construction Limited (in receivership and liquidation)

Respondent

Orders as to initial procedural matters

Dated: October 2018

 **Simpson Grierson**

SIMPSON GRIERSON
SOLICITOR FOR THE APPLICANTS

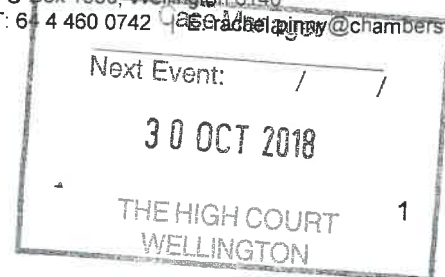
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To: The subcontractor creditors of Ebert Construction Limited (in receivership and liquidation) (**Ebert**) listed in Schedule One to the Application (the **Subcontractors**)

The principals of Ebert's construction contracts listed in Schedule Two to the Application (the **Principals**)

David Ian Ruscoe and Timothy Wilson Downes as liquidators of Ebert Construction Limited (in receivership and liquidation) (the **Liquidators**)

1. The interlocutory application made by Lara Maree Bennett, John Howard Ross Fisk and Richard Michael Longman as receivers of Ebert (the **Applicants**) on 23 October 2018 was determined by Associate Judge Johnston on 26 October 2018.
2. The determination was made without a hearing.
3. The following orders were made:
 - (a) Permitting these proceedings to be commenced by way of originating application.
 - (b) That service of this Application on the Subcontractors and Principals be deemed to have occurred upon the following steps:
 - (i) publishing this Application (together with accompanying memoranda and affidavits) on the PricewaterhouseCoopers (**PwC**) webpage dedicated to the Ebert receivership <https://www.pwc.co.nz/ebert> (the **Website**);
 - (ii) emailing Principals and Subcontractors for whom the Applicants have an email address to advise of the Application and providing a link to the Website; and
 - (iii) for the Subcontractor for whom the Applicants do not have an email address, or for any Subcontractors or Principals for whom an email is returned undelivered,



couriering a letter to their registered office or last known address advising of the Application and informing them that the Application and associated documents are available on the Website.

- (c) That the copy of the Application to be served on Subcontractors and Principals pursuant to paragraph 3(b) above redacting the following information:
 - (i) the bank account number listed in paragraph 1(b) of the Application;
 - (ii) Schedule One of the Application, comprising a list of the Subcontractors who could have a claim to the Fund; and
 - (iii) Schedule Two of the Application, comprising a list of the Principals who may have an interest in management of the Fund.
- (d) That any person served with a copy of Application redacted in accordance with paragraph 3(c) above who considers that they are prejudiced by the redactions be granted leave to apply to the Court in this proceeding for a copy of the unredacted Application to be served on them.
- (e) As to the timetabling of the Application as follows:
 - (i) any application by a Subcontractor, Principal or other interested party for joinder to the Application be filed by 1 November 2018;
 - (ii) the Applicants to file written submissions by 2 November 2018 and serve those submissions on the Subcontractors and Principals in accordance with paragraphs 3(b) (i) and (ii) above;
 - (iii) any submissions by any person joined to these proceedings be filed and served by 6 November 2018;



- (iv) the Application be set down for hearing on 8 November 2018.
- (f) leave be granted for any party or intending party to file a memorandum with the Court seeking further directions.

Date: **26 OCT 2018**

Signature:


Registrar/Deputy Registrar
Deputy Registrar
of the High Court
of Wellington

Gina Mills

