

DUPLICATE

**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

CIV-2022-404-1993

UNDER Part 7 of the High Court Rules 2016 and Part 15A of
the Companies Act 1993

IN THE MATTER OF **RUAPEHU ALPINE LIFTS LIMITED
(ADMINISTRATORS APPOINTED)** a company
having its registered office at 15 Customs Street
West, Auckland Central, Auckland, 1010,
New Zealand

AND of an application by **JOHN HOWARD ROSS FISK**
and **RICHARD JOHN NACEY**, licensed Insolvency
Practitioners of PricewaterhouseCoopers at PwC
Tower, Level 27, 15 Customs Street West,
Auckland, New Zealand as Administrators of
**RUAPEHU ALPINE LIFTS LIMITED
(ADMINISTRATORS APPOINTED)**

Applicants

COURT ORDERS UNDER THE COMPANIES ACT 1993

Dated: 4 May 2023



BUDDLE FINDLAY

Barristers and Solicitors
Auckland

Solicitor Acting: **D T Broadmore / L C Sizer**
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1. The without notice interlocutory application made by John Howard Ross Fisk and Richard John Nacey of PwC Auckland (together, the **applicants**) on 28 April 2023, in the matter of Ruapehu Alpine Lifts Limited (Administrators Appointed) (the **Company**), was determined by Associate Judge Sussock on the 4th day of May 2023.
2. The determination was made without a hearing.
3. The following orders were made:
 - (a) the convening period as defined in s 239AT(2) of the Companies Act 1993 (**Act**) in the administration of the Company be further extended under s 239AT(3) of the Act to an end date of **13 June 2023**, instead of 9 May 2023;
 - (b) the applicants may convene a watershed meeting for the Company at any time within the period for which the extension has been granted;
 - (c) the period of time in which the applicants are required to give notice of termination of a contract of employment under s 239Y(3) of the Act be further extended under s 239Y(4) of the Act to an end date of **13 June 2023**, instead of 9 May 2023, with any wages or salary that accrue under such contracts being an expense of the administration under schedule 7, clause 1(1)(b) of the Act;
 - (d) under s 239ADO of Act, Part 15A of the Act operates in relation to the applicants and Company as if s 239AK(1) and schedule 5 of the Act provide that:
 - (i) under schedule 5, clause 6 of the Act, a proxy may be appointed by notice in writing, and may be delivered to the applicants, by use of the online electronic voting platform made available by Link Market Services Limited (**Platform**);
 - (ii) under schedule 5, clause 7 of the Act, postal votes may be given by use of the Platform;
 - (iii) the applicants are to send a website address at which the Platform can be accessed together with access instructions with the notice to creditors of the watershed meeting under s 239AU;



- (iv) nothing in these orders limits the use of postal votes under schedule 5 of the Act in connection with the administration of the Company;
- (e) leave to apply to modify or discharge the above orders be granted to the applicants, and any person who can demonstrate a sufficient interest in the administration upon appropriate notice being given to the applicants;
- (f) within seven days of the Court's orders, the applicants must:
 - (i) advertise the Court's orders in *The New Zealand Herald* and *The Dominion Post*; and
 - (ii) post of copy of the Court's orders on PwC's website; and
 - (iii) email a copy of the Court's orders to each creditor's email address by which the Company normally communicates with that creditor (to the extent such an address is available); and
- (g) the reasonable costs of this application are to be paid out of the assets of the Company.

Dated: 4 May 2023

Signature:



(Deputy Registrar)

SIONE F.V. FIFITA
DEPUTY REGISTRAR

