

ORIGINAL

IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY

I TE KŌTI MATUA O AOTEAROA  
TĀMAKI MAKĀURAU ROHE

CIV-2024-404-000263

UNDER

Part 19 of the High Court Rules 2016 and sections  
239Y, 239AT, 239ADK and 239ADO of the  
Companies Act 1993

IN THE MATTER

of **NEW ZEALAND VACUUM CLEANER COMPANY  
LIMITED (ADMINISTRATORS APPOINTED)**, a duly  
incorporated company having its registered office at  
Level 34, ANZ Centre, 23-29 Albert Street, Auckland  
1010

AND

of an application by **STEPHEN ROBERT WHITE** and  
**JOHN HOWARD ROSS FISK**, both Licenced  
Insolvency Practitioners of PwC, having their place of  
business at PwC Tower, Level 27, 15 Customs  
Street West, Auckland 1010

**Applicants**

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ORDERS FOR SEALING

9<sup>th</sup> FEBRUARY 2024

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Russell  
McLeagh

A R MacDuff / S F White  
P +64 9 367 8000  
F +64 9 367 8163  
PO Box 8  
DX CX10085  
Auckland

**BEFORE THE HONOURABLE JUSTICE VAN BOHEMEN**

**AFTER READING** the originating application without notice pursuant to sections 239AT, 239Y, 239ADK, and 239ADO of the Companies Act 1993 ("Act") and Part 19 of the High Court Rules 2016 dated 8 February 2024, the memorandum of counsel dated 8 February 2024, and the affidavit of Stephen Robert White affirmed 8 February 2024, on the application of Mr MacDuff and Ms White, counsel on behalf of the Applicants, **THIS COURT ORDERS:**

1. The Applicants are granted leave to bring the application without notice;
2. The convening period for the watershed meeting of New Zealand Vacuum Cleaner Company Limited ("**Company**") be extended by 90 days from 28 February 2024 to 28 May 2024, pursuant to s 239AT(3) of the Act.
3. The period within which notice of termination of contracts of employment must be given by the Applicants to the employees of the Company under s 239Y(3) of the Act is extended until the date on which the watershed meeting of the Company is held.
4. The Applicants be exempted from liability arising under s 239ADK of the Act arising:
  - (a) from any leases of real property that the Company has entered into ("**Leases**");
  - (b) during the period that the Company continues to use or occupy or be in possession of leasehold property under the Leases; and
  - (c) arising during the period that the Company continues to use or occupy or be in possession of leasehold property under the Leases (whether current or expired) whether before or after the date of these orders being made.
5. Pursuant to s 239ADO of the Act, the relevant provisions of Part 15A of the Act are to operate such that:
  - (a) any notice required to be sent pursuant to Part 15A of the Act has been and will be validly sent using the following methods ("**Notice Orders**"):
    - (i) email, where an email address has been provided to the Company; or
    - (ii) if an email address has not been provided to the Company, by post to the postal address that has been provided to the Company; and
    - (iii) posted to PwC's website ([www.pwc.co.nz](http://www.pwc.co.nz));
  - (b) any meetings of creditors may be held by means of audio, or audio and visual, communication by which all creditors participating can simultaneously hear each other throughout the meeting;

- (c) any postal voting conducted in accordance with clause 7 of Schedule 5 of the Act may also be conducted in whole or in part by way of email or other electronic means; and
  - (d) any documents required to be tabled at a meeting of creditors of the Company may be posted on PwC's website or sent to known creditors by email.
6. Leave is reserved for any person who can demonstrate a sufficient interest in the administration of the Company to apply (on notice) to vary or set aside these orders.
7. Leave is reserved to the Applicants to apply further in respect of any modifications or ancillary issues arising out of the orders made.
8. Notice of this application and a copy of the orders made shall be served on all creditors, employees and owners or lessors of any property that is subject to a Lease and that is used, occupied or in possession of the Company ("**Relevant Persons**"), by the Applicants:
- (a) writing to known Relevant Persons as soon as practicable in the manner provided for in the Notice Orders; and
  - (b) providing copies of the application and orders (if they have been granted), for inspection at the first creditors' meeting.
9. The Applicants' costs of and incidental to this application be expenses incurred in the administration of the Company.

Dated: 9<sup>th</sup> February 2024



  
VIVIAN KATIA  
DEPUTY REGISTRAR  
HIGH COURT  
(Deputy) Registrar

Sealed this 9<sup>th</sup> day of February 2024