

**In the High Court of New Zealand  
Wellington Registry  
I Te Kōti Matua o Aotearoa  
Te Whanganui-ā-Tara Rohe**

**CIV-2012-485-2591**

Under sections 271 and 284 of the Companies Act 1993  
In the matter of Ross Asset Management Limited (in liquidation) and related entities

Between

**John Howard Ross Fisk and David John Bridgman**

Applicants

and

**Eoin David Fehsenfeld**

Respondent

---

**Joint memorandum on behalf of the Liquidators, the  
Respondent, counsel assisting the Court and Barrington  
John Prince**

**25 September 2018**

---

**BELL GULLY**

BARRISTERS AND SOLICITORS

J H STEVENS / M M OLLIVIER  
SOLICITOR FOR THE APPLICANTS  
WELLINGTON LEVEL 21, 171 FEATHERSTON STREET  
PO BOX 1291, WELLINGTON 6140, DX SX11164, NEW ZEALAND  
TEL 64 4 915 6800 FAX 64 4 915 6810 EMAIL MADDIE.OLLIVIER@BELLGULLY.COM

MIKE COLSON,  
STOUT STREET CHAMBERS  
COUNSEL FOR THE APPLICANTS  
LEVEL 6, HUDDART PARKER BUILDING  
1 POST OFFICE SQUARE, WELLINGTON  
PO BOX 117, WELLINGTON  
TEL 64 4 280 5040  
EMAIL MIKE.COLSON@STOUTSTREET.CO.NZ

RACHEL PINNY,  
THORNDON CHAMBERS  
SOLICITOR FOR THE APPLICANTS  
LEVEL 8, MARITIME TOWER  
10 CUSTOMHOUSE QUAY, WELLINGTON  
PO BOX 1530, WELLINGTON  
TEL 64 4 468 0742  
EMAIL RACHEL.PINNY@CHAMBERS.CO.NZ

*Done*

*BJP*

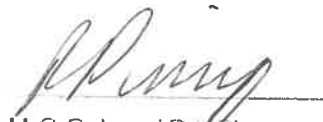
May it please the Court –

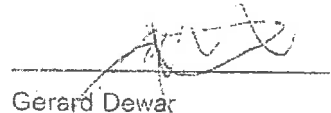
1. Counsel for the Liquidators and Dr Fehsenfeld, together with counsel assisting the Court and Mr Prince jointly file this memorandum in response to the minute of Associate Judge Johnston of 7 September 2018.
2. His Honour's minute invited Mr Prince, counsel assisting the Court and Dr Fehsenfeld to file and serve memoranda addressing Mr Prince's status in the application.
3. The Liquidators, Dr Fehsenfeld, counsel assisting the Court and Mr Prince have conferred and agreed a joint position on the issue of Mr Prince's status.
4. The Liquidators had requested that his Honour clarify the status of Mr Prince as a procedural matter to ensure the sealed orders reflected the orders granted. However, nothing substantive turns on that particular order.
5. Neither the Liquidators nor Dr Fehsenfeld opposed Mr Prince's application for joinder. However, Mr Prince has advised that he does not intend to appeal the distribution orders. The Liquidators and Dr Fehsenfeld confirm no costs are being sought against Mr Prince.
6. On that basis the parties', counsel assisting the Court's and Mr Prince's joint position is that no order formally joining Mr Prince is now required.
7. This only leaves Dr Fehsenfeld's application for costs to be determined.
  - (a) The Liquidators have already filed their submissions opposing Dr Fehsenfeld's application for costs.




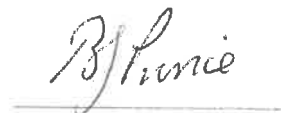
- (b) Counsel assisting the Court will file his submissions on Dr Fehsenfeld's application by 5 October 2018 as per the Court's minute.

Dated: <sup>25<sup>th</sup></sup> September 2018

  
M G Colson / R Pinny  
Counsel for the Liquidators

  
Gerard Dewar  
Counsel for the Respondent

  
Paul Chisnall  
Counsel assisting the Court

  
Barrington John Prince