

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

**I TE KŌTI MATUA O AOTEAROA
TE WHANGANUI-A-TARA ROHE**

CIV-2012-485-2591

UNDER the Companies Act 1993 and
the High Court Rules

IN THE MATTER of Ross Asset Management Ltd (in liq) and
related entities

BETWEEN JOHN HOWARD ROSS FISK and
DAVID JOHN BRIDGMAN
Applicants

AND EOIN DAVID FEHSENFELD
Respondent

Counsel: M Colson and R Pinny for applicants
D G Dewar for respondent

Minute: 7 September 2018

**MINUTE OF ASSOCIATE JUDGE JOHNSTON
[On the papers]**

[1] The Court has received:

- (a) the liquidators' memorandum of 3 September 2018 seeking clarification as to the formal status of Mr Prince who made submissions in the course of the substantive hearing;
- (b) Dr Fehsenfeld's memorandum of 4 September 2018 in relation to costs.

[2] Insofar as Mr Prince's status is concerned, it was my understanding that he sought to be joined as a party and that that was not opposed. However, no order that he be joined has been made. This is not a trivial matter. An order for Mr Prince's

joinder would expose him in relation to costs, and would confer on him appeal rights. Accordingly, I think it appropriate to give all other parties an opportunity to be heard.

[3] As to costs, clearly all parties need to be heard.

[4] Accordingly, I make the following directions:

- (a) by 21 September 2018, the liquidators may file and serve a memorandum addressing costs (the liquidators' position in relation to Mr Prince's status is already addressed in their 3 September 2018 memorandum);
- (b) by 5 October 2018, Mr Prince and Messrs Chisnall and Haig as amicus curiae may file and serve memoranda addressing both Mr Prince's status and costs, and Dr Fehsenfeld may file and serve a memorandum addressing the issue of Mr Prince's status.

[5] On receipt of those memoranda I will deal with both outstanding issues on the papers.

Associate Judge Johnston

Solicitors:
Bell Gully, Wellington for applicants
Thomas Dewar Sziranyi Letts, Lower Hutt for respondent