

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

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

**CIV-2018-485-792**

UNDER	the Receiverships Act 1993 and Part 19 of the High Court Rules 2016
IN THE MATTER	of Ebert Construction Ltd (in receivership and liquidation)
BETWEEN	LARA MAREE BENNETT, JOHN HOWARD FISK and MICHAEL LONGMAN Applicants
AND	EBERT CONSTRUCTION LIMITED (in receivership and liquidation) Respondent

On the papers

Counsel: M G Colson and R L Pinny for the Applicants  
K A Badcock for Taslo Steel Security Limited

Minute: 7 November 2018

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**MINUTE OF CHURCHMAN J**

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[1] The applicants' application is scheduled to be called before me on 8 November 2018.

[2] On 5 November 2018, a memorandum from Taslo Steel Security Limited (Taslo) was received from their counsel, Mr Badcock.

[3] Mr Badcock expressed some concerns in relation to aspects of the application whilst being supportive generally of the concept of an appointment of a receiver to manage the retention fund.

[4] Counsel for the applicants, Ms Pinny, filed a memorandum in response dated 5 November 2018 expressing the view that there was no need for a teleconference prior to the scheduled call to address the issue raised by Taslo. The memorandum invited the Court to accept the Taslo memorandum as Taslo's submissions, and to take those submissions into account without requiring the attendance of counsel for Taslo.

[5] Mr Badcock had already indicated that overseas travel commitments meant that he would be unable to attend the hearing on 8 November.

[6] I accept that, given the number of subcontractors potentially affected by the application, that it is appropriate for this issue to be dealt with in open court rather than on a teleconference.

[7] I will deal with the issue of "costs" raised in Mr Badcock's memorandum as a preliminary issue on 8 November. I will treat the contents of Mr Badcock's memorandum as his submissions on behalf of his client and no attendance on his behalf is required.

Churchman J