

IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY

I TE KŌTI MATUA O AOTEAROA  
TĀMAKI MAKAURAU ROHE

CIV 2018-404- 306

Under Part 4 of the Insurance (Prudential Supervision) Act 2010  
and Part 16 of the Companies Act 1993

In the matter of an application to appoint liquidators to the defendant  
company

Between **RESERVE BANK OF NEW ZEALAND**, a bank constituted  
pursuant to the Reserve Bank Act 1989, acting as prudential  
supervisor of insurance business in New Zealand

Plaintiff

And **CBL INSURANCE LIMITED** a company having its registered  
office at Level 8, 51 Shortland Street, Auckland, New Zealand and  
carrying on business there and elsewhere as an insurer and  
reinsurer

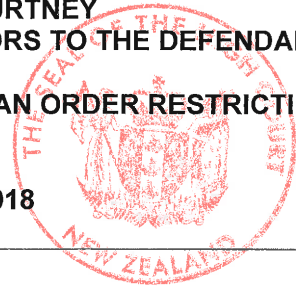
Defendant

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**ORDERS OF JUSTICE COURTNEY**  
**(A) APPOINTING INTERIM LIQUIDATORS TO THE DEFENDANT**  
**COMPANY; and**  
**(B) NON-PUBLICATION ORDER AND AN ORDER RESTRICTING**  
**ACCESS TO THE COURT FILE**

Dated: 23 February 2018

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**BUDDLE FINDLAY**  
NEW ZEALAND LAWYERS  
Barristers and Solicitors  
Wellington

Solicitor Acting: **Scott Barker**  
Email: [scott.barker@buddlefindlay.com](mailto:scott.barker@buddlefindlay.com)  
Tel 64 4 499 4242 Fax 64 4 499 4141 PO Box 2694 DX SP20201 Wellington 6140

**To:** CBL Insurance Limited (the defendant company)

1. The interlocutory application without notice (Pickwick basis) for the appointment of interim liquidators and ancillary orders as to confidentiality and access to the court file against the defendant company made by the Reserve Bank of New Zealand on 23 February 2018 was determined by the Honourable Justice Courtney on 23 February 2018.
2. The determination was made after hearing from Mr S Barker for the Reserve Bank of New Zealand and Messrs S Gollin and M Pascariu for the defendant company.
3. The following orders were made:
  - 3.1 **Kare Johnstone** and **Andrew John Grenfell** be appointed as interim liquidators of the defendant company, with all powers and authorities as given to liquidators under the Companies Act 1993 (**Act**) that are necessary to maintain the assets of the defendant company (such powers and authorities able to be exercised jointly or individually by the liquidators):
    - (a) Including pursuant to:
      - (i) Section 248(1)(a) of the Act (take custody and control of assets).
      - (ii) Section 253 of the Act (protect and realise assets including seeking freezing orders under Part 32 of the High Court Rules (except for the right to distribute the realisation of proceeds of assets other than for payment of fees and expenses on terms of sub-paragraphs 3(c) and (d) below)), in particular, to take control of all global assets of the defendant company, irrespective of in which country they are located, including:
        - (1) To take control of all financial and other records of the defendant company.
        - (2) To conduct any investigations they consider appropriate or necessary.
        - (3) To investigate and, if necessary, to initiate recovery action in respect of monies owing to the defendant company.
        - (4) To instruct counsel, whether inside or outside New Zealand, to advise and assist them in the exercise of their powers.

- (iii) Section 261 of the Act (obtain documents and information).
- (iv) Sections 265 and 266 of the Act (examine on oath).
- (v) Schedule 6, clause 1(b) (carry on the business of the defendant company to the extent that the interim liquidators consider necessary).



- (b) Excluding, pursuant to:
  - (1) Section 249 of the Act (completion of liquidation).
  - (2) Sections 292 to 297 of the Act (voidable transactions and securities).
  - (3) Sections 297 to 298 of the Act (undervalue transactions).
  - (4) Sections 312 and 313 of the Act (preferential claims and distribution).

3.2 With effect from the commencement of the interim liquidation, unless the interim liquidators agree or the court orders otherwise, a person must not:

- (a) Commence or continue legal proceedings against the defendant company; or
- (b) Exercise or enforce, or continue to exercise or enforce, a right or remedy over or against property of the defendant company.

3.3 The fees of the interim liquidators, and of employees of their firm (McGrathNicol), be charged at the rates normally charged for assignments of this kind.

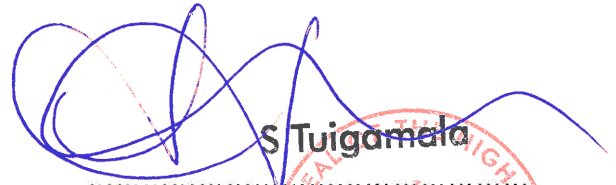
3.4 The fees and expenses of the interim liquidators, including expenses incurred in managing the business of the defendant company from the time of their appointment, be treated and paid in accordance with section 278 and paragraph 1 of the Seventh Schedule of the Act.

3.5 Preventing any searches of the Court file except by application on not less than three (3) days' notice to the Bank and the defendant company.

3.6 There be no publication of information submitted to the Court in relation to this application. The fact and terms of the order and the names of the interim liquidators may be published.

- 3.7 The costs of this interlocutory order are reserved.
- 3.8 Leave is reserved to the respondent to apply to replace the interim liquidators appointed under this order.
- 3.9 Leave reserved to apply for directions if needed.

**DATED** 23 February 2018



**S Tuigamala**

(Deputy) Registrar

