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JCBA

No 9647 of 2010

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
COMPANIES COURT
BEFORE MR JUSTICE VOS
ON 30 NOVEMBER 2010

THURSDAY



IN THE MATTER OF AEROFORM GROUP LIMITED (IN ADMINISTRATION) AND
OTHERS

AND IN THE MATTER OF AMANDA JAYNE FISHER (A BANKRUPT) AND OTHERS

AND IN THE MATTER OF AN OFFICE HOLDER

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

Between.

(1) RUSSELL DOWNS
(applying on his own behalf and on behalf of
those listed in Schedule 1 of the Application)



Applicants

and

(1) GRAHAM HUNTER MARTIN and OTHERS
as listed in Schedules 2A and 2B of the
Application

Respondents

ORDER

UPON THE APPLICATION of the Applicants by Ordinary Application dated 18 November
2010

AND UPON READING THE DOCUMENTS recorded on the Court file as having been read

IT IS ORDERED THAT:

- 1 In respect of those company voluntary arrangements ("CVAs"), administrations, creditors' voluntary liquidations, members' voluntary liquidations, compulsory liquidations and bankruptcies listed in **Schedule 2** to this Order which are the subject of proceedings in County Courts and District Registries in England and Wales and in the courts outside of England and Wales pursuant to the EC Regulation on Insolvency Proceedings 2000 and the Cross Border Insolvency Regulations 2006 be transferred to the Companies Court, Chancery Division, High Court of Justice, solely for the purpose of making the Order contained in paragraphs 2 to 10 below
- 2 That each of the Respondents named in **Schedule 2A** attached to this Order be removed from office as CVA supervisor, administrator, liquidator (voluntary or compulsory) and/or trustee in bankruptcy (as the case may be) of the estates listed in the Schedule 2, these removals to take effect immediately
- 3 That each of the Respondents be replaced as such office-holder in the case of each such estate by the Applicants named in **Schedule 1** attached to this Order as his/her proposed replacement, these replacements to take effect immediately
- 4 Each of the Respondents shall be released from all liability pursuant to the relevant sections of the Insolvency Act 1986 in respect of their acts and omissions and otherwise in respect of their conduct as CVA supervisor, administrator, liquidator (voluntary or compulsory) and/or trustee in bankruptcy (as the case may be) of the companies and individuals listed as being in CVAs, administrations, creditors voluntary liquidations, members voluntary liquidations, compulsory liquidations and bankruptcies (pages 1 to 10 of Schedule 2), in the case of each Respondent such release to take effect in relation to each relevant estate 28 days after the date of the report or routine report referred to in paragraph 6 2 of this Order
- 5 The Applicants shall be entitled to
- 5 1 Publish in the London Gazette composite notices relating to all of the resignations and appointments as detailed in Schedule 2 and must do so within 14 days of the date of this Order,
- 5 2 Apportion the costs of the said composite London Gazette notice between the said estates equally; and

- 5 3 Charge to each individual estate the cost of obtaining an Insolvency Practitioner's licence bond in respect of that estate up to a maximum of £528 per estate
- 6 Without incurring any additional expense to any of the said estates, the Applicants shall
- 6 1 Notify the Secretary of State as soon as reasonably practicable of the making of this Order, and
- 6 2 When the next report or routine report is due to creditors of each estate, notify the creditors of the making of this Order, and provide an explanation of the effect of the Order
- 7 With the exception of the administration estates (as listed at numbers 1 to 43 of Schedule 2), the costs of this Application (including disbursements and VAT) summarily assessed at £15,699 be aggregated and apportioned equally between each of the estates listed in Schedule 2, provided that if the costs which fall to be borne by any one of the estates exceeds 10% of the realisable assets within that estate, that estate shall only bear such part of those apportioned costs as equals 10% of that estate's readily realisable assets, and the excess shall be borne by PricewaterhouseCoopers LLP
- 8 In respect of the administration estates (as listed at numbers 1 to 43 of Schedule 2), the costs of this Application (including disbursements and VAT) summarily assessed at £6,704 be aggregated and apportioned equally between each of the estates listed in Schedule 2, provided that if the costs which fall to be borne by any one of the estates exceeds 10% of the realisable assets within that estate, that estate shall only bear such part of those apportioned costs as equals 10% of that estate's readily realisable assets, and the excess shall be borne by PricewaterhouseCoopers LLP
- 9 Service of the said Ordinary Application and this Order on each of the Companies and individuals listed in Schedule 2 appended to this Application herein be dispensed with

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SCHEDULE 1 TO THE ORDER

List of applicants

Schedule 1

Nov-10

	Licensing body	No of new appointments
David Matthew Hammond	ICAEW	1
Edward Mark Shires	ICAEW	3
Edward Thomas	ICAEW	39
Gillian Eleanor Bruce	ICAEW	2
Ian Christopher Oakley Smith	ICAEW	16
John Bruce Cartwright	ICAEW	14
Laura May Waters	ICAEW	1
Nicholas Edward Reed	ICAEW	6
Russell Downs	ICAEW	28
Stuart David Maddison	ICAEW	6
Timothy Gerard Walsh	ICAEW	50
Timothy Hewson	ICAEW	7
Zelf Hussain	ICAEW	1

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SCHEDULE 2 TO THE ORDER

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Respondents

SCHEDULE 2A TO THE ORDER

List of respondents**Schedule 2A**

	No of cases	new firm	address
Graham Hunter Martin	13	KPMG	5 Carlton Terrace, Edinburgh, EH7 5DD
Stephen Roland Browne	74	Deloitte LLP	Deloitte LLP, Athene Place, 66 Shoe Lane, London EC4A 3BQ
Colin Michael Trevethyn Haig	56	KPMG	Hilberry, Ricklers Lane, Kings Langley, Herts, WD4 9LF
Nigel De'Ath	39	Changing role within PwC	PricewaterhouseCoopers LLP, Plumtree Court, London EC4A 4HT

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SCHEDULE 2B TO THE ORDER

List of respondents

Schedule 2B

Schedule 2B

lists every person who holds office jointly with the outgoing office-holder but is not an Applicant

David Chubb	PricewaterhouseCoopers LLP, Plumtree Court, London EC4A 4HT
Derek Howell	PricewaterhouseCoopers LLP, Plumtree Court, London EC4A 4HT
Ian Green	PricewaterhouseCoopers LLP, Plumtree Court, London EC4A 4HT
Karen Dukes	PricewaterhouseCoopers LLP, Plumtree Court, London EC4A 4HT
Mark Batten	PricewaterhouseCoopers LLP, Plumtree Court, London EC4A 4HT
Mark Hopkins	PricewaterhouseCoopers LLP, Plumtree Court, London EC4A 4HT
Mike Jervis	PricewaterhouseCoopers LLP, Plumtree Court, London EC4A 4HT
Patrick Boyden	PricewaterhouseCoopers LLP, Plumtree Court, London EC4A 4HT
Peter Spratt	PricewaterhouseCoopers LLP, Plumtree Court, London EC4A 4HT
Richard Setcham	PricewaterhouseCoopers LLP, Plumtree Court, London EC4A 4HT
Rob Hunt	PricewaterhouseCoopers LLP, Plumtree Court, London EC4A 4HT
Stephen Oldfield	PricewaterhouseCoopers LLP, Plumtree Court, London EC4A 4HT

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ORDER

Speechly Bircham LLP
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London
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Ref CH/NHN/340302