

No 21396 of 2009

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

COMPANIES COURT

Before Mr Justice Peter Smith

On this 7th day of December 2009

IN THE MATTER OF ALAN JOHN HARGREAVES (AN INDIVIDUAL) AND OTHERS

AND IN THE MATTER OF A I REALISATIONS LIMITED – IN LIQUIDATION (A COMPANY) AND OTHERS

AND IN THE MATTER OF THE LICENCE HOLDERS

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

Between:

RUSSELL DOWNS

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



Applicants

and

- (1) EDWARD KLEMPKA
- (2) IAN DAVID STOKOE
- (3) DAVID THORNHILL
- (4) ROBERT WILLIAM BIRCHALL
- (5) MICHAEL DAVID GERCKE

MONDAY

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COMPANIES HOUSE

Respondents

ORDER

UPON THE APPLICATION of the Applicants by Ordinary Application dated 26 November 2009

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, compulsory liquidations, individual voluntary arrangements (IVAs) 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 8 below.
2. That each of the Respondents be removed from office as CVA supervisor, administrator, liquidator (voluntary or compulsory), IVA supervisor, 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 ("**Schedule 1**") as his 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), IVA supervisor, and/or trustee in bankruptcy (as the case may be) of the companies and individuals listed as being in CVAs, administrations, creditors' voluntary liquidations, compulsory liquidations, IVAs and bankruptcies (pages 1 to 7 of Schedule 2), such release to take effect immediately further to paragraphs 2 and 3 above.
5. The Applicants shall be entitled to:
 - 5.1 Publish in the London Gazette one composite notice relating to all of the resignations and appointments as detailed in Schedule 2;
 - 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 costs of obtaining an Insolvency Practitioner's licence bond in respect of that estate up to a maximum of £40 per estate.
6. Without incurring any additional expense to any of the said estates, the Applicants shall when the next routine report is due to creditors of each estate, notify the creditor of the making of this Order, and provide an explanation of the effect of the Order.
7. The costs of this Application (including disbursements and VAT) 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. 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-09**

	Licensing body	No of new appointments
David James Kelly	ICEAW	2
Edward Mark Shires	ICEAW	6
Gillian Eleanor Bruce	ICEAW	14
Ian David Green	ICEAW	5
Karen Lesley Casey	ICEAW	44
Nicholas Reed	ICEAW	16
Russell Downs	ICEAW	30
Timothy Hewson	ICEAW	28

replace both appointees
no replacements

(2)
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SCHEDULE 2 TO THE ORDER

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ORDER

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Ref CH/MZO/334700

Transfer of Appointments

November 2009

	Name	Appointed Date	Existing appointee 1	Existing appointee 2	Ongoing appointee 1	Ongoing appointee 2	Company Number	Court Name	Court No
136	Burn Fireday Company Limited	20/12/1999	David Thornhill	Stuart Maddison	Nicholas Reed	Stuart Maddison	313318	Leeds Combined Court Centre	116 of 2006
137	The Choice Gift Vouchers Limited	08/05/2008	Edward Klompka	Ian Stokoe	Gillian Bruce	Ian Green	02968386	High Court of Justice	1034 of 2004
138	Corporate Travel International Limited	29/12/2005	Ian Stokoe	Stephen Ellis	Gillian Bruce	Stephen Ellis	03062253	Leeds District Registry	1035 of 2005
139	Cyberes Plc	28/12/2005	Ian Stokoe	Stephen Ellis	Gillian Bruce	Stephen Ellis	03966402	Leeds County Court	
140	EHR 18 Limited	02/05/2007	I Oakley Smith	Rob Birchall	I Oakley Smith	Russell Downs	05425740		
141	EHR 19 Limited	02/05/2007	I Oakley Smith	Rob Birchall	I Oakley Smith	Russell Downs	05425753		
142	G H M Realisations Limited	11/12/2008	David Bennett	Rob Birchall	David Bennett	Russell Downs	00490502		
143	Horwich Castings Limited	03/02/2005	David Thornhill	Stuart Maddison	Nicholas Reed	Stuart Maddison	2576400		
144	Johnson & Baxter Limited	27/11/1997	Rob Birchall	Paul Harding	Paul Harding	Russell Downs	00406823		
145	Keycheck Limited	30/01/2007	Edward Klompka	Ian Stokoe	Gillian Bruce	Ian Green	01406167	Leeds District Registry	117 of 2006
146	Nepco Europe Limited	28/03/2006	Nicholas Reed	Edward Klompka	Nicholas Reed	Russell Downs	03891959		
147	Pure Flight Limited	12/09/2008	I Oakley Smith	Rob Birchall	I Oakley Smith	Russell Downs	04253607		
148	Rainbow (York) Limited	03/01/1997	Nicholas Reed	Edward Klompka	Nicholas Reed	Russell Downs	1547508		
149	Stuart Lawrence Marketing Communications Limited	24/02/2005	David Thornhill	Stephen Ellis	Nicholas Reed	Stephen Ellis	01514698	High Court of Justice Manchester District Registry	1141 of 2004
150	The Ward Group Plc	24/11/1998	Nicholas Reed	Edward Klompka	Nicholas Reed	Russell Downs	879374		
151	Ward Architectural Systems Limited	19/06/1992	Nicholas Reed	Edward Klompka	Nicholas Reed	Russell Downs	1666075		
152	Warnfield Management Limited	17/06/1998	Nicholas Reed	Edward Klompka	Nicholas Reed	Russell Downs	2522775		

Individual Voluntary Arrangement

153	Mark Stafford	11/02/2009	David Thornhill	Patrick Boyden	Patrick Boyden			Wigan County Court	115 of 2008
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