

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
INSOLVENCY AND COMPANIES LIST (ChD)

IN THE MATTER OF THE INSOLVENCY ACT 1986

AND IN THE MATTER OF SCL COMMERCIAL LIMITED (IN ADMINISTRATION) (CRN 08840965)

Before The Honourable Mr Justice Norris on 17th April 2019

ORDER

UPON the Order of Mr Justice Hildyard appointing Vincent John Green and Mark Newman, of Crowe U.K. LLP, 4 Mount Ephraim Road, Tunbridge Wells, Kent, TN1 1EE and Riverside House, 40 – 46 High Street Maidstone, Kent ME14 1JH, as joint administrators of SCL COMMERCIAL LIMITED (CRN 08840965) ("**the Company**") with effect from 3.30pm on 3 May 2018 ("**the Administration Order**")

AND UPON THE PETITION of Vincent John Green and Mark Newman, as the Joint Administrators of the Company ("**the Joint Administrators**"), presented to this Court on 13 August 2018 ("**the Petition**")

AND UPON HEARING Catherine Addy QC and Mark Watson-Gandy of counsel on behalf of the Joint Administrators and Andreas Gledhill QC and Eleni Dinenis on behalf of Professor David Carroll, of 29 Tiffany Place, Apartment 1K, Brooklyn, New York NY 11231, United States of America, a person claiming to be a creditor of the Company, in opposition to the Petition

AND UPON THE COURT being satisfied that the EU Regulation on Insolvency Proceedings applies to these proceedings and that these proceedings are main proceedings within the meaning of Article 3 of the Regulation



IT IS ORDERED THAT:

1. The Administration Order appointing the Joint Administrators in respect of the Company do cease to have effect as at 11pm 17th April 2019.
2. The Joint Administrators be released as administrators of the Company and discharged from liability pursuant to paragraph 98 of Schedule B1 to the Insolvency Act 1986 28 days after the date of filing of their final progress report to creditors as Joint Administrators.
3. The Company be wound up by this Court under the provisions of the Insolvency Act 1986.
4. Mr Vincent John Green and Mr Mark Newman be appointed as joint liquidators of the Company pursuant to section 140 of the Insolvency Act 1986 with effect from the date of this Order.
5. Pursuant to section 231 of the Insolvency Act 1986, any act required or authorised under any enactment to be done by the liquidator may be done by either or both of the joint liquidators.
6. The Joint Administrators' costs of the Petition be paid as an expense of the liquidation.
7. Subject to any further order of the Court pursuant to paragraph 9 below, the Joint Administrators' costs of the application made by Professor Carroll dated 9th November 2018 ("the Disclosure Application") which were reserved pursuant to the order of Deputy Insolvency and Companies Court Judge Barnett dated 7th December 2018 be paid as an expense of the liquidation.
8. The Joint Administrators' costs of dealing with any questions arising on their final report and of complying with the direction for written submissions in paragraph 9 and 10 below shall (subject to further order) be paid as an expense of the liquidation.

9. Without prejudice to paragraphs 6 and 7 above, the issue of whether Professor Carroll should be ordered to pay any of the Joint Administrators' costs of the Petition and the incidence of the reserved costs of the Disclosure Application be determined by reference to written submissions (such submissions in each case to be of no more than 10 pages in length) to be made to Mr Justice Norris as follows (and subject to any direction by the Judge that there should be an oral hearing following receipt the same):
- a. By 4.30pm on 13th May 2019 the Joint Administrators and Professor Carroll shall file and exchange their written submissions;
 - b. By 4.30pm on 27th May 2019 the Joint Administrators and Professor Carroll shall file and exchange their written submissions in reply.
10. Any application to this court for permission to appeal shall be determined on written submissions, unless the court orders otherwise, with the time for doing so to be extended to 4.30pm on 13 May 2019 on the following terms:
- a. Any such application shall be made by separate written submissions which are to be filed and served upon the Joint Administrators by no later than 4.30pm on 13th May 2019;
 - b. The Joint Administrators shall file and serve any written submissions in answer by 4.30pm on 27th May 2019.
11. If permission is refused, pursuant to CPR rule 52.12(2), the time for Professor Carroll to make any application for permission to appeal to the Court of Appeal is extended to 4.30pm on the date 21 days after the determination of the application under paragraph 10 above.

Dated:

Service of this Order:

The Court has provided a sealed copy of this Order for service to the Petitioners' solicitors:
Underwoods Solicitors, 79 Marlowes, Hemel Hempstead, Hertfordshire, HP1 1LR