



**IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION**

Neutral Citation Number: [2025] CIGC (FSD) 89

FSD 270 OF 2023 (IKJ)

**IN THE MATTER OF THE G TRUST
AND IN THE MATTER OF SECTION 48 OF THE TRUSTS ACT (2021 REVISION)
AND ORDER 85 OF THE GRAND COURT RULES (2023 REVISION)**

Before: The Hon. Justice Kawaley

Appearances: Ms Elspeth Talbot Rice KC of counsel with Mr Nicholas Fox and Mr Charles Henderson of Mourant Ozannes (Cayman) LLP for the B Beneficiaries (the “Applicant”)
Ms Rachael Reynolds KC and Mr Chris Vincent of Ogier for the Trustee and ICTI (the “Trustees”)
Mr Robert Lindley and Ms Clare Bradin of Conyers, for the Enforcer
Ms Bernadette Carey and Ms Katie Turney of Carey Olsen for the A Beneficiaries

Heard: 29 July 2025

**Draft Reasons
circulated:** 20 August 2025

Ruling delivered: 29 August 2025

Summons to purge contempt-breach of confidentiality order-consequential directions and costs

REASONS FOR DECISION

Introductory

1. By a Summons filed on 20 May 2025 and amended on 11 June 2025 (the “Amended Summons”), the Applicant sought relief in respect of her own breaches of the Confidentiality Order made in relation to the present *Beddoe* proceedings. The breach entailed referring to the present proceedings in the context of an *ex parte* application made in proceedings commenced by the Applicant abroad (the “Foreign Proceedings”). The relief sought was essentially Orders:
 - (a) purging the Applicant’s contempt; and
 - (b) directions modifying the Confidentiality Order to permit the Applicant to refer to the present proceedings in the Foreign Proceedings.
2. The first limb of the relief sought was not controversial by the date of the hearing. There were very narrow disputes in relation to consequential directions and costs. On 29 July 2025, I granted an Order perfected on 6 August 2025 which (upon the Applicant undertaking to execute an attached Deed of Undertaking):
 - (a) purged the Applicant’s contempt;
 - (b) gave consequential directions; and
 - (c) ordered the Applicant to pay the Respondents’ costs to be taxed if not agreed on the indemnity basis.
3. I now give the brief reasons I promised to give for that decision.

Purging the contempt

4. There were two main strands to the mitigation advanced by Mrs Talbot Rice KC in relation to the Applicant’s admitted contempt. Firstly, it was highly technical and secondly other parties had also disclosed the existence of the present proceedings elsewhere. It was submitted that such disclosures amounted to breaches of the Confidentiality Order, except on the part of the

Trustees, who are not restricted by it. It was also submitted that the Trustees' disclosures had the effect of rendering that information disclosed no longer confidential.

5. The second strand of these submissions did not fall for consideration. On its face, the submissions regarding the other parties' disclosures seemed not to take matters materially further. The contention that the contempt was highly technical had greater potential weight.
6. There was a suggestion that the existence of the present proceedings and the G Trust might already be in the public domain and I was concerned to avoid a situation where the existence of the Confidentiality Order and its enforcement by this Court was futile. I was also concerned to avoid a situation where a party bound by the Confidentiality Order was deprived of access to a foreign court for legitimate *ex parte* relief by the constraints of this Order.
7. However, by the end of the hearing I felt that the Applicant's position was not deserving of much sympathy. Not only was this her second purging application; this was the second occasion on which she was unable to aver that she had acted in accordance with legal advice. But for the fact that the second offence was less egregious than the first, I would have been very reluctant indeed to grant the purging relief sought. It was important to remember that this Court does not make confidentiality orders in trust matters absent good cause for displacing the open justice principle. Good cause invariably rests on grounds that most parties genuinely interested in the Trust are likely to jointly respect, whatever their differences may be amongst themselves.
8. The Court must be astute to prevent disgruntled parties such as the Applicant, whose interest is hostile to the Trust, from causing avoidable collateral damage through seemingly minor breaches of this Court's confidentiality orders in satellite litigation abroad.
9. In the event, the Trustees and other Respondents did not oppose this relief on condition of the Applicant:
 - (a) undertaking to execute the Deed of Undertaking; and
 - (b) being ordered to pay the Respondents' costs on the indemnity basis.

Amendments to the Confidentiality Order

10. The Trustees' counsel initially proposed only modest amendments to paragraph 4 as follows:

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“4. *All information relating to the Originating Summons, including but not limited to the Originating Summons, affidavits, exhibits, submissions, and/or any other document filed at Court, is to be kept confidential by all those who shall be Respondents pursuant to paragraph 8 below.*

For the avoidance of doubt, any document or information which was in a Respondent's possession before 13 September 2023 is not caught by this paragraph 4.“

11. In the course of the hearing I expressed concern about the need to make it clear that public domain information was not caught by the Confidentiality Order. Ms Reynolds KC agreed to tweak the draft wording to make this clear, a proposal which was supported by Mr Lindley for the Enforcer and Ms Carey for the A Beneficiaries. I accordingly approved an amendment in the following terms:

“For the avoidance of doubt, any document or information which:

a. was in a Respondent's possession prior to 13 September 2023; and/or

b. is in the public domain (other than as a result of a breach of this order).

is not caught by this paragraph 4.”

12. I accepted the submission of Mrs Talbot Rice KC that the amendment needed to be somewhat broader than that initially proposed by the Trustees, but rejected the submission that any information post 13 September 2023 which came into the possession of any Respondent should also be carved out of paragraph 4 of the Confidentiality Order. The Applicant was not the ideal proponent for such an amendment. It was impossible to ignore the concern this would undermine the Confidentiality Order by permitting the Applicant to contend that documents now presumptively caught by the Confidentiality Order would no longer be protected.

13. It may well be that in future cases some form of wording can be developed which (1) creates a prescribed procedure to be followed by a party who wishes to deploy confidential material in foreign proceedings and/or (2) makes it explicit that the Confidentiality Order prohibits the use of material in foreign proceedings without leave of the Court.

Costs

14. Mrs Talbot Rice KC objected to two aspects of the proposed costs Order:
- (a) it was wrong to deal with any future costs at this juncture; and
 - (b) the costs of the Trustees' supporting Affidavit should be disallowed.
15. I rejected both of these submissions and approved paragraph 5 in the following straightforward terms:
- “5. The Applicant do pay the Respondents' costs of and occasioned by the breach and of this Application, to be taxed if not agreed on the indemnity basis.”*
16. It is true that some of these costs have not yet been occurred, but that is not an unprecedented situation and provides no impediment in principle to making an Order in the terms proposed by the Trustees. As regards the complaint about the excessive recital of background matters in evidence, this was not altogether devoid of merit in an abstract conceptual sense. In high-value litigation on the present scale and in the context of the Applicant's application to purge her own contempt, I saw no proper basis for taking the exceptional course of disallowing some of the Trustees' costs. Here it was the Applicant who had been stirring the over-litigation pot creating the need for excessive proceedings through breaching Orders of this Court, hoping perhaps that at some point the Trustees will throw up their arms in frustration, exclaim “we're fed up with this, you're a nuisance!”, and pay her to go away and leave them in peace.

Conclusion

17. For these reasons on 29 July 2025, I granted the purging relief sought by the Applicant. Substantially (as regards contentious matters) on the terms contended for by the Respondents.



THE HONOURABLE JUSTICE IAN RC KAWALEY
JUDGE OF THE GRAND COURT