



IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE NO. FSD 114 OF 2016 (IKJ)

TORCHLIGHT GP LIMITED

Plaintiff

-and-

(1) MILLINIUM ASSET SERVICES PTY LIMITED

(2) MILLINIUM CAPITAL MANAGERS LIMITED

(3) THOMAS JAMES WALLACE

(4) GREGORY PHILIPPE MARSHALL

Defendants

ORDER

UPON THE HEARING of (i) the Plaintiff's summons dated 30 September 2019 (the Plaintiff's Strike Out Summons); and (ii) the First to Third Defendants' summons dated 15 November 2019 (the First to Third Defendants' Strike Out Summons)

AND UPON the First to Third Defendants' summons dated 23 December 2019 (the Production Summons) being heard

AND UPON the Plaintiff having agreed that the First to Third Defendants did not need to issue a formal application seeking (i) to strike out the parts of the Reply relying upon the Judgment of McMillan J of 24 September 2018 in FSD 103 of 2015 (the "Petition Judgment") and (ii) to preclude the Plaintiff from relying on the Petition Judgment at the trial of this action on the basis that, in the event of the Court holding that the First to Third Defendants are not privies of Aurora or any of the other Petitioners, it is accepted on the authority of *Hollington v Hewthorn* [1943] KB 587 that in such event the Petition Judgment would not be admissible at trial against the First to Third Defendants

AND UPON hearing from Leading Counsel for the Plaintiff and Leading Counsel for the First to Third Defendants

IT IS HEREBY ORDERED that:

1. The Plaintiff's Strike Out Summons is dismissed.
2. The First to Third Defendant's Strike Out Summons is dismissed.
3. The Plaintiff do produce for inspection (appropriately redacted) the documents specified in the First to Third Defendants' Notice dated 22 November 2019.
4. The Plaintiff shall pay the First to Third Defendants' costs of the Plaintiff's Strike Out Summons (to include the First to Third Defendants' costs of the Production Summons), to be taxed if not agreed on the standard basis.
5. The First to Third Defendants shall pay the Plaintiff's costs of the First to Third Defendants' Strike Out Summons, to be taxed if not agreed on the standard basis.

DATED this 27th day of October 2020

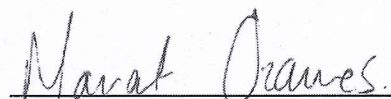
FILED this 4th day of February 2021




The Honourable Mr Justice Kawaley
Judge of the Grand Court
Financial Services Division

This Order was filed by Conyers Dill & Pearman, Attorneys-at-Law, for and on behalf of the Plaintiff whose address for service is that of its Attorneys, SIX, Cricket Square, P.O. Box 2681, Grand Cayman KY1-1111, Cayman Islands

APPROVED AS TO FORM AND CONTENT



Mourant Ozannes
Attorneys for the First to Third Defendants



Conyers Dill & Pearman
Attorneys for the Plaintiff