



**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

**FINANCIAL SERVICES DIVISION**

**FSD CAUSE NO: 166 OF 2019 (MRHJ)**

**IN THE MATTER OF THE COMPANIES ACT (2021 REVISION)**

**AND IN THE MATTER OF ONETRADEX LTD. (IN PROVISIONAL LIQUIDATION)**

**ORDER**

**UPON** the application of Mr Kenneth Krys as provisional liquidator (the "**Provisional Liquidator**") of ONETRADEX LTD. (in Provisional Liquidation) (the "**Company**") by way of Summons dated 13 April 2021 (the "**Summons**")

**AND UPON** reading the Thirteenth Affidavit of Mr Kenneth Melvin Krys sworn on 13 April 2021 ("**Krys 13**"), the Fourteenth Affidavit of Mr Kenneth Melvin Krys sworn on 12 May 2021, the Eighth Affidavit of Mr Simon Ecclefield sworn on 14 May 2021 and the First Affidavit of Mr Neil Dempsey sworn on 30 September 2021, together with the exhibits thereto and capitalised terms herein being as defined in Krys 13 unless otherwise defined in this Order

**AND UPON** hearing Counsel for the Provisional Liquidator

**IT IS ORDERED THAT:**

1. The Provisional Liquidator be authorised and directed to transfer the Reserve balances of relevant Early Transferors and Later Transferors that are currently maintained in individual accounts with IB to a single account to be maintained by the Provisional Liquidator with Fidelity Bank (Cayman) Limited, in the manner contemplated by Krys 13.
2. In respect of the proceeds of the liquidation of the Trust Assets of the Lower Value Later Transferors:
  - (a) the Provisional Liquidator be authorised and directed to apply the balance of the proceeds of the liquidation of the Trust Assets of each Lower Value Later

- (b) Transferor towards the Direct Costs incurred in respect of that Lower Value Later Transferor;
- (c) to the extent that any Lower Value Later Transferor's balance after the application of the proceeds in accordance with paragraph 2(a) above are insufficient to discharge such Lower Value Later Transferor's obligations towards its Direct Costs, such shortfall shall be treated as Indirect Costs; and
- (d) the Provisional Liquidator be authorised and directed to apply any remaining balance of the proceeds of each Lower Value Later Transferor in reduction of Indirect Costs,

in the manner contemplated by Krys 13.

- 3. The Provisional Liquidator shall have liberty to restore the DAS Margin Allocation Application.
- 4. The Provisional Liquidator's costs of and occasioned by the Summons shall be paid out of the available assets of the Company on the indemnity basis as an expense of the provisional liquidation (without prejudice to the Provisional Liquidator's entitlement to Berkeley Applegate relief in respect of all Costs).

**DATED** this 6<sup>th</sup> day of October 2021

**FILED** this 6<sup>th</sup> day of October 2021



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**The Honourable Justice Ramsay-Hale  
JUDGE OF THE GRAND COURT**

This **ORDER** was filed by Walkers of 190 Elgin Avenue, George Town, Grand Cayman KY1-9001, Cayman Islands, Attorneys at Law for and on behalf of the Provisional Liquidator whose address for service is that of his said Attorneys.