



**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION  
IN THE MATTER OF THE ESTATE OF ISRAEL IGO PERRY DECEASED**

**CAUSE NO. FSD 205 of 2017**

**BETWEEN:**

**(1) LEA LILLY PERRY  
(2) TAMAR PERRY**

**Plaintiffs**

**and**

**(1) LOPAG TRUST REG.  
(2) PRIVATE EQUITY SERVICES (CURACAO) NV  
(3) FIDUCIANA VERWALTUNGSANSTALT  
(4) GAL GREENSPOON  
(5) YAEL PERRY  
(6) DAN GREENSPOON (7) RON GREENSPOON (8) MIA GREENSPOON  
(CHILDREN, by Hagai Greenspoon, THEIR GUARDIAN AD LITUM)  
(9) ADMINTRUST VERWALTUNGSANSTALT**

**Defendants**

**AND**

**(1) ANDREW CHILDE  
(2) CHRISTOPHER ROWLAND**

**Third Parties**

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**ORDER**

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**UPON** the application by way of Notice of Motion, dated 23 March 2022 (“the **Notice of Motion**”), of the Fifth Defendant claiming the First and Ninth Defendants (“the **Trustees**”) breached the terms of the proprietary injunction dated 17 October 2017 (as subsequently amended) (“the **Injunction**”) by entering into a litigation funding agreement on 22 June 2018 (“the **LFA**”).

THIS ORDER was filed by Priestleys Attorneys for the Fifth Defendant, whose address for service is Second Floor, Caribbean Plaza, 878 West Bay Road, George Town, PO Box 30310 KY1-1202, Cayman Islands



**AND UPON** reading the Eleventh, Twelfth and Thirteenth Affidavits of the Fifth Defendant sworn on 23 March 2022, 19 April 2022 and 22 April 2022 respectively, the Sixth Affidavit of Klaus Boehler (“**Boehler 6**”) sworn on 8 April 2022 and exhibits to those Affidavits.

**AND UPON** the court hearing the summons issued by the Fifth Defendant on 22 April 2022 (“the **Summons**”) seeking orders inter alia (a) that certain paragraphs of Boehler 6 be struck out (“the **Strike Out Application**”); (b) that the Trustees produce the LFA for inspection (“the **O.24 Application**”) and (c) for directions in the future conduct of the Notice of Motion.

**AND UPON** the Fifth Defendant seeking, in addition to the relief in the Summons, (a) an order in terms of paragraph 2 of the Notice of Motion (“the **Paragraph 2 Application**”) and (b) an interim injunction prohibiting the Trustees from taking certain steps pursuant to the LFA or any variation thereof (“the **Interim Injunction Application**”).

**AND UPON** the Fifth Defendant having indicated through Leading Counsel that no application for the appointment of an interim Receiver was to be pursued at the hearing.

**AND UPON** hearing for Leading Counsel for the Fifth Defendant and Leading Counsel for the Trustees.

**AND UPON** the Plaintiffs attending by their Counsel but making no submissions.

**AND UPON** the Judgment of this Court handed down on 31 May 2022.

**IT IS ORDERED** that:

1. Personal service of the Notice of Motion is dispensed with pursuant to GCR Order 52 rule 1(3).
2. The O.24 Application is granted to the following extent - subject to paragraph 3 below, the Trustees shall, by 11 July 2022, produce to the Fifth Defendant for inspection a copy of those parts of the LFA (and any deed of variation thereof):

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- i. that require or permit the Trustees to have (or give the funder) recourse to (or which give the Trustees or the funder rights over) assets of the Ypresto Trust for the payment of sums due under the LFA (and the terms which condition and regulate those rights of recourse or rights over the Ypresto Trust assets) including not only the main operative provisions but related and relevant definitions and terms;
- ii. on which the Trustees rely in support of their case that the Trustees and the funders do not have and cannot exercise rights of recourse to those assets until after the Injunction has been discharged.

(“the **Relevant Terms**”)

3. Any clauses or provisions within the LFA that are irrelevant to and unconnected with the Relevant Terms, subject to privilege, or which contain commercially sensitive information, may be redacted by the Trustees, provided that the proposed redactions can be made without affecting the ability of the Court and the Fifth Defendant to understand and interpret the nature and extent of the rights and recourse to and rights over the Ypresto Trust assets.
4. For the avoidance of doubt, insofar as the Relevant Terms are disclosed to the Fifth Defendant pursuant to paragraph 2 hereof she may not, without the permission of the court, rely upon them in any other proceedings (in any jurisdiction) nor provide them to any other person save for the purpose of the proper conduct of these proceedings. For the further avoidance of doubt, this paragraph is not intended to prevent the Fifth Defendant from relying upon the Relevant Terms or the LFA in any other proceedings (in any jurisdiction) or from providing the same to any other person, in all cases where and to the extent that they have been or are in future disclosed to the Fifth Defendant other than pursuant to paragraph 2 hereof.
5. The Trustees are to provide a copy of the LFA (and any deed of variation) with their proposed redactions (“the **Redacted LFA**”) supported by an affidavit explaining why they contend their proposed redactions are justified (being as specific as possible without making disclosure of the



matters that the claim for privilege or commercial sensitivity is designed to protect) by 11 July 2022.

6. The Fifth Defendant's attorneys shall notify the Trustees' attorneys of any challenge by the Fifth Defendant to the redactions made by the Trustees in the Redacted LFA within 7 days of receiving a copy of the Redacted LFA pursuant to paragraph 2 hereof.
7. The court will determine any challenge made by the Fifth Defendant pursuant to paragraph 6 hereof on the papers, short written submissions (such submissions to include whether the court should see the unredacted LFA) are to be filed by the Trustees and the Fifth Defendant within 10 days of the Fifth Defendant giving notification pursuant to paragraph [6] hereof.
8. The Strike Out Application is granted and paragraphs 5(e) and paragraphs 46 to 52 of Boehler 6 and pages 181 – 183 and 196 – 197 of exhibit KB-5 are hereby struck out.
9. The Paragraph 2 Application is dismissed.
10. The Interim Injunction Application is dismissed.
11. A further hearing shall be listed on the first open date convenient to the parties after 1 October 2022 for the purpose of considering and disposing of the Fifth Defendant's application for a declaration in paragraph 6 of the Notice of Motion. The hearing shall have a time estimate of 1.5 days. The parties' Leading Counsel shall attend in person and the hearing shall be robed. The Fifth Defendant and the Trustees shall agree a timetable for filing of skeleton arguments and bundles.
12. The remainder of the Notice of Motion shall be adjourned until the determination of the issue set out in paragraph 11 above.
13. Within 14 days of the date of this Order, the attorneys to the Trustees are to file one or more affidavits which addresses the points which the court has identified call for an explanation in paragraph 69 of the Judgment.

14. Written submissions in respect of costs in the Summons shall be filed within 14 days if not agreed. Costs of the balance of the Order to be costs in the Notice of Motion.

Dated the 8th day of July 2022

Filed the 8<sup>th</sup> day of July 2022



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**THE HONOURABLE JUSTICE SEGAL**  
**JUDGE OF THE GRAND COURT**

THIS ORDER was filed by Priestleys Attorneys for the Fifth Defendant, whose address for service is Second Floor, Caribbean Plaza, 878 West Bay Road, George Town, PO Box 30310 KY1-1202, Cayman Islands