



IN THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

FSD CAUSE NO. 145 OF 2022 (RPJ)

IN THE MATTER OF SECTION 64 OF THE COMPANIES ACT (2022 REVISION)

AND IN THE MATTER OF THE AVIVO GROUP

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**ORDER**

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**UPON** the application of Agricultural Development Fund (the "**Applicant**") by Notice of Originating Motion dated 1 July 2022 (the "**Application**") for an order that David Martin Griffin and Andrew Richard Victor Morrison for FTI Consulting (Cayman) Limited be appointed pursuant to Section 64 of the Companies Act (2022 Revision) as inspectors for the purposes of examining the affairs of AVIVO Group (the "**Company**")

**AND UPON** the application of the Company by way of Summons dated 26 July 2022, seeking directions regarding the timetable for the exchange of evidence and hearing of the Application (the "**Directions Summons**")

**AND UPON** the application of the Company by way of Summons dated 14 September 2022 seeking orders, *inter alia*, that certain paragraphs of the First Affidavit of Mohammad Bin Saeid Bin Abdulrahman Alqarni sworn 5 September 2022 ("**AlQarni 1**") be struck out on the grounds that they are inadmissible, further or alternatively, that AlQarni 1 (or the identified paragraphs) not be admitted into evidence (the "**Strike Out Summons**")

**AND UPON** the application of the Applicant by way of Summons dated 20 October 2022 seeking, *inter alia*, leave to adduce into evidence the Third Affidavit of Mohammad Bin Saeid Bin Abdulrahman Alqarni sworn 18 October 2022 ("**AlQarni 3**") and the First Affidavit of Gautam Patel sworn 13 October 2022 ("**Patel 1**"), together with supporting exhibits (the "**Further Evidence Summons**")

**AND UPON** reading the First Affidavit of Charles Balmain sworn 30 June 2022, the First Affidavit of Andrew Richard Victor Morrison sworn on 23 June 2022, the First Affidavit of David Martin Griffin sworn on 28 June 2022, the First Affidavit of Joanna Brathwaite sworn 26 July 2022, the First Affidavit of Bethany McLaughlin sworn 28 July 2022, AlQarni 1, the Second Affidavit of Mohammad Bin Saeid Bin Abdulrahman Alqarni sworn 20 September 2022, Patel 1, AlQarni 3, the Second Affidavit of Bethany McLaughlin sworn 25 October 2022, the Third Affidavit of Bethany McLaughlin sworn 6 January 2023, and the exhibits thereto

**AND UPON** reading the First Affidavit of Lauren Cameron Stokes sworn on 28 July 2022, the Second Affidavit of Lauren Cameron Stokes sworn 29 July 2022, the First Affidavit of Ravindra Agarwal sworn 2 August 2022, the Second Affidavit of Ravindra Agarwal sworn 24 August 2022, the Third Affidavit of Ravindra Agarwal sworn 7 September 2022, the First Affidavit of Luke Petith sworn 14 September 2022, the Fourth Affidavit of Ravindra Agarwal sworn 16 September 2022, and the exhibits thereto

**AND UPON** reading the Skeleton Argument of the Applicant dated 29 July 2022 for the hearing on 2 August 2022

**AND UPON** reading the Skeleton Argument of the Applicant dated 7 September 2022 and the Skeleton Argument of the Company dated 15 September 2022

**AND UPON** hearing Counsel for the Applicant and Leading Counsel for the Company at a hearing on 2 August 2022 and upon hearing Leading Counsel for the Applicant and Leading Counsel for the Company at a hearing on 21 September 2022 and 26 October 2022

**AND UPON** the Court delivering written reasons in relation to the Application on 16 December 2022

**AND UPON** the Company making an application to the Court by email dated 16 December 2022 seeking an order as to the costs of the Application to be paid by the Applicant on the indemnity basis (including in respect of the Directions Summons, the Strike Out Summons and the Further Evidence Summons) (the “**Costs Application**”)

**AND UPON** reading the Applicant’s Written Submissions in relation to the Costs Application and the Company’s Written Submissions in relation to the Costs Application, both dated 6 January 2023

**AND UPON** the Costs Application being deemed suitable to be disposed of on the papers without the need for an oral hearing

**IT IS HEREBY ORDERED THAT:**

1. The Application is dismissed.
2. Subject to paragraphs 3 and 4 below, there shall be no order (save as to costs) in respect of the Directions Summons, Strike Out Summons and the Further Evidence Summons.
3. The costs of the Directions Summons, the Strike Out Summons and the Further Evidence Summons be treated as costs in the proceedings.
4. The Applicant shall pay the Company’s costs of and incidental to the Application (including the Company’s costs of and incidental to the Directions Summons, the Strike Out Summons and the Further Evidence Summons), such costs, if not agreed, to be taxed on a standard basis.

5. The Company shall pay the Applicant's costs of and incidental to the Costs Application, such costs, if not agreed, to be taxed on a standard basis.

DATED the 7 day of March 2023

FILED the 8 day of March 2023



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**THE HON. JUSTICE RAJ PARKER**  
**JUDGE OF THE GRAND COURT**

This Order was filed by Conyers Dill & Pearman LLP, Attorneys-at-Law for the Applicant, whose address for service is SIX, Cricket Square, George Town, Grand Cayman.