

ROYAL COURT
(Samedi Division)

2nd September, 1992

157.

Before: F.C. Hamon, Esq., Commissioner and
Jurats Herbert and Rumfitt

BETWEEN	Geoffrey Harry Davies	FIRST PLAINTIFF
and	Peter Charles Leitch	SECOND PLAINTIFF
and	Warren Scott Stoddart	THIRD PLAINTIFF
and	William Francis Moxey	FOURTH PLAINTIFF
and	Mary Jane Wilson	FIFTH PLAINTIFF
AND	Olec Secretaries Limited	FIRST DEFENDANT
and	<u>ANZ One Limited</u> (formerly Olec One Limited)	SECOND DEFENDANT
and	<u>ANZ Two Limited</u> (formerly Olec Two Limited)	THIRD DEFENDANT
and	<u>ANZ Three Limited</u> (formerly Olec three Limited)	FOURTH DEFENDANT
and	<u>ANZ Grindlay's Trust</u> <u>Corporation (Jersey) Limited</u>	FIFTH DEFENDANT
and	Malcolm Leslie Sinel and others, exercising the profession of Advocate, under the name and style of Ogier & Le Cornu	SIXTH DEFENDANTS
and	Edmund L. Bendelow	SEVENTH DEFENDANT

Application by the Defendants for an extension of the time allowed them to comply with mandatory "Norwich Pharmacal" type disclosure orders in the Order of Justice.

Application by the Plaintiffs for an order continuing the injunction in the Order of Justice, restraining the Defendants from communicating with various named parties pending compliance with the disclosure orders.

Advocate R.J. Michel for the Plaintiffs
Advocate M.O.J. O'Connell for the Defendants

JUDGMENT

THE COMMISSIONER: As the matter has been explained to us, there is a very substantial allegation of wrong doing in New Zealand and matters are progressing there. The action in Jersey concerns only documents. Extensive orders and injunctions have been obtained in Jersey and because we have been asked to do so we now extend those orders and injunctions until 8th of September when matters of moment may come before this Court.

One of the injunctions that has been obtained restrains the defendants from communicating with any of the persons or entities named in part of A. of this order "directly or indirectly or with or through their agents, employees, associates or advisers". This is well known as a "gagging" order and would have been effective in every sense had not something untoward happened in the last few weeks.

It appears that Advocate Labesse, instructed by one of the parties in New Zealand who is not a party to the proceedings in Jersey, obtained from the Judicial Greffe a copy of the Order of Justice and this was sent to New Zealand. As a result of that action Advocate Voisin is now instructed in Jersey for one or more of the New Zealand defendants, and lawyers in London have also been instructed.

In the circumstances because the present defendants are neutral, and will in fact be making an application in due course under Article 47 of the Trusts (Jersey) Law, 1984, it does seem

to us that it would be prudent, now that the news has broken, for the defendants in New Zealand to be allowed to take whatever part in the Jersey proceedings that they wish. Mr. Michel has been in some difficulty as he has been unable to obtain instructions and has taken a very proper course by stating that he could not voluntarily accede to this application. In the unusual circumstances we are going to release the defendants from the "gagging" injunctions so that information can now be disseminated, should it be requested, pending the hearing on September 8th. As we have said on September 8th the parties in New Zealand may or may not appear. We do not know. On September 8th we can review that situation should we require to do so.

No authorities