

HC13C02801

No.I/A 22 of 2013

**IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION**

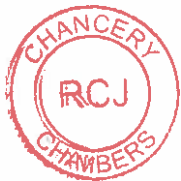
Before Master Marsh

Dated this 3rd day of July 2013

**IN THE MATTER OF
ENGLISH & AMERICAN INSURANCE COMPANY LIMITED**

AND

IN THE MATTER OF THE TRUSTEE ACT 1925



~~MINUTE OF ORDER~~

UPON THE APPLICATION of John Mitchell Wardrop and Michael Steven Walker (the "Trustees") pursuant to CPR Part 8.2A

AND UPON hearing counsel for the Trustees

AND UPON reading the First Witness Statement of Giles Allison dated 13 May 2013 and the Second Witness Statement of Giles Allison dated 27 June 2013

IT IS ORDERED that:

1. The Trustees, as defined in the First Witness Statement of Mr Allison, be permitted pursuant to Part 8.2A of the Civil Procedure Rules to issue a claim form in respect of

proceedings to be commenced by the Trustees pursuant to Section 57 of the Trustee Act 1925 (the “**Section 57 Application**”) without naming a defendant.

2. The Trustees shall take the following further steps to provide notice of the Section 57 Application to those other persons, defined in the First Witness Statement of Mr Allison as the “Beneficiaries”, who are not parties to the proceedings but who may be affected by them:

(a) notification of the Trial Date of the Claim and its location and timing shall be given by way of publishing the relevant information once known online at www.englishandamericanpools.com;

(b) copies of the Section 57 Application’s Claim Form, supporting evidence and Skeleton Argument of the Trustees shall be provided to any of the Beneficiaries who requests the same.

3. The Claim be tried before a Judge as follows:

(a) with the trial of the Claim to take place between 1 October 2013 and 31 December 2013 (the “**trial window**”);

(b) with the Trustees to make an appointment to attend on the Listing Officer to fix a trial date within the trial window, such appointment to be not later than 31 July 2013;

(c) with the Claim to be entered in the General List with a listing category of B and a time estimate of 4 hours and to take place in London.

4. The Listing Officer is requested to consider listing the trial hearing at the start of the trial window, so that a distribution can be made from the trust fund to policy holder beneficiaries following a grant of the approval sought by the Trustees.

5. Not earlier than 7 days or later than 3 days before the date fixed for the trial the Trustees shall file with the Chancery Listing Office a trial bundle for the use of the Judge in accordance with Appendix 6 of the Chancery Guide.

IN THE HIGH COURT OF JUSTICE

I/A 22 of 2013

CHANCERY DIVISION

MASTER MARSH

3rd JULY 2013

**IN THE MATTER OF ENGLISH & AMERICAN INSURANCE COMPANY
LTD**

ORDER

The Court has sent this Order and copies for service to: -

Claimants' Solicitor

Clifford Chance LLP
DX. 149120 Canary Wharf 3
Ref: DJS/GA/70-40381835/87456-3-36

This Order was sealed by Gloria Osei, (email: gloria.osei@hmcts.gsi.gov.uk, Associate (Tel: 020 7947 6719) to whom all enquiries regarding this Order should be made between the hours 9.00 am - 10.15 am and after 4.15 pm. When corresponding with the Court please address forms or letters to The Operations Delivery Manager, Chancery Chambers The Rolls Building, 7 Rolls Buildings, Fetter Lane, London, EC4A 1NL (DX. 160040 Strand 4) and quote the case number.