



**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION**

**CAUSE NO: FSD 190 OF 2021 (DDJ)**

**IN THE MATTER OF THE COMPANIES ACT (2023 REVISION)**

**AND IN THE MATTER OF HQP CORPORATION LIMITED (IN OFFICIAL LIQUIDATION)**

**Before:** The Hon. Justice David Doyle

**Appearances:** Shelley White, Siobhan Sheridan and Charlotte Raynor of Walkers (Cayman) LLP for the joint official liquidators of HQP Corporation Limited (in official liquidation)

**Heard:** 5 August 2024

**Ex Tempore Judgment delivered:** 5 August 2024

**Draft Transcript of Ex Tempore Judgment circulated:** 12 August 2024

**Transcript approved:** 13 August 2024

*Determination of application for sanction to file and serve legal proceedings and for a sealing order*

*240805 In the matter of HQP Corporation Ltd – FSD 190 of 2021 (DDJ) - Judgment*

## **JUDGMENT**

### **Introduction**

1. I shall now deliver a short judgment in proceedings under reference FSD 190 of 2021 (DDJ).
2. There is a summons and a letter application before the court, both covering essentially the same ground.
3. I record that I have read the documentation placed before the court. I do not benefit from a skeleton argument but some of the law and the arguments are outlined in a letter and I have heard helpful oral submissions this afternoon from Shelley White, who appears on behalf of the joint official liquidators of HQP Corporation Limited (the “JOLs”).
4. I have to say that I have been unimpressed by the way in which the matter was put before the court in the long vacation and at very short notice. There was an email dated Wednesday, 31 July 2024, 7.21pm requiring a determination by Tuesday, 6 August 2024. Indeed, the letter dated 31 July requested a “swift determination” on or before 6 August 2024 in view of certain limitation issues.

### **Lack of due notice**

5. There is no reference to it in the papers but one can see from Order 11 rule 2 (4) of the Companies Winding Up Rules (2023 Consolidation) (“CWR”) that there is a provision that a sanction application shall not be heard on less than 4 clear days’ notice. I am informed that the Liquidation Committee at some time on Friday last week (2 August 2024) were notified of today’s hearing. We are now Monday, 5 August 2024, about ten past three in the afternoon. I was also informed by Miss White that no responses whatsoever were received from the Liquidation Committee. Miss White says she is not surprised by that as the JOLs’ evidence indicates that the Liquidation Committee are on board with respect to the relief sought in the summons and the letter application, although the court has nothing from the Liquidation Committee in that respect. I am however, on this occasion, willing to rely on the JOLs’ evidence.

**Inappropriate request to deal with matters “on the papers”**

6. Furthermore, I note that there was a request that the matter be dealt with “on the papers” to save time and costs, the JOLs say in accordance with section B1.1(c) of the FSD Guide. No reference was made to B1.1(b) and no written consents of members of the Liquidation Committee were presented to the court when the papers were filed. Indeed, no such consents have been presented even as at today’s date. It was not appropriate to deal with this matter “on the papers”.

**Proposed wording of the relief requested**

7. When reading the papers in connection with this matter I was concerned with the wording of the sanction order requested and the width of the sealing order applied for, but these concerns have been dealt with in helpful exchanges with counsel.
8. I have heard this matter this afternoon in chambers and despite my reservations about the way in which it was presented I have dealt with it on the merits this afternoon at very short notice. I am content to dispense with the requirements of Order 11, rule 2(4) of the Companies Winding Up Rules. I am satisfied that in doing so it is in the best interests of the company.
9. The JOLs and their attorneys would do well, however, to note that any future applications should not be filed at short notice and proper procedures must be followed.

**Relief granted**

10. I am however persuaded that in the particular circumstances of this case that it is appropriate to grant certain relief.

**Dispensation with due notice**

11. The relief I grant in respect of the first point is that I do dispense with the requirement of not less than 4 clear days’ notice pursuant to Order 11 rule 2(4) of the CWR.

**Determination of sanction application**

12. In connection with the second point, the sanction application, I am content to grant the following relief namely, the JOLs be and are hereby authorised to file and serve the writ as defined in Trott 2 and in substantially the form exhibited thereto on the defendants named therein and to take such steps and execute such additional documents as might be necessary or desirable for those purposes. I grant that relief.

**Determination of sealing application**

13. In respect of the sealing application, I grant an order that the letter application dated 31 July 2024, Trott 2 and Exhibit MT-2, and the email dated 1 August 2024, 3.50pm, from Walkers to the court administration, be sealed and kept confidential pursuant to Order 24 rule 6 of the CWR and not be made available or open to inspection by any party or other person until determination of the writ proceedings or until further order of the court, except with the prior leave of the court. I do this on the basis of the confidential, sensitive and privileged nature of the information contained in the sealed documentation and that publication would harm relevant economic interests. I do not make an order sealing the summons or any orders or judgments of the court. I am content to order that the costs of and incidental to the application should be costs to be paid out of the assets of the company as an expense of the liquidation.
14. So that is the relief I am content to grant and that is my judgment.



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**THE HON. JUSTICE DAVID DOYLE**  
**JUDGE OF THE GRAND COURT**