

Case No: CC-2023-MAN-000086



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**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS IN MANCHESTER
CIRCUIT COMMERCIAL COURT (KBD)**

Before HHJ Cawson KC (Sitting as a Judge of the High Court and a Judge of the County Court in all Districts of England and Wales) on 15th December 2023

BETWEEN:

ARROW POPLAR DESIGNATED ACTIVITY COMPANY

Applicant

-and-

CAPQUEST INVESTMENTS LIMITED

Claimant

-and-

**MULTIPLE DEFENDANTS
(NAMED IN SCHEDULE 2 TO THIS ORDER)**

Defendants

ORDER

UPON the Application Notice of the Applicant dated 20th October 2023 (the "**Application**"), which, pursuant to CPR 19.4(3), was made without notice to the Defendants named in Schedule 2 of this Order, which is for an order for the Applicant to be substituted for the Claimant in each of the proceedings specified in Schedule 2 to this Order (the "**Claims**").

AND UPON the Court being satisfied that it was appropriate to determine the Application on a without notice basis.

AND UPON the Court considering the witness statements listed in Schedule 1 of this Order filed in support of the Application.

AND UPON hearing Mr O’Sullivan, Counsel for the Applicant.

AND UPON the Court being satisfied that the Claimant consents to the Court making this Order.

AND UPON the Court being reasonably satisfied on the evidence that as a result of an Asset Purchase Agreement dated 22nd November 2022 (the “**Asset Purchase Agreement**”) and a Deed of Assignment dated 31st March 2023 that (a) the Applicant has acquired the legal and beneficial interest in each of the loans which are the subject of the Asset Purchase Agreement with which the Claims are concerned; and (b) the Applicant has already provided written notice of the assignment to each of the Defendants, and (c) it is desirable for the Applicant to be substituted as the Claimant in each of the Claims.

IT IS ORDERED that:

1. The Applicant is hereby substituted as the Claimant in each of the Claims.
2. A proper officer of this Court shall ensure that a copy of this Order shall be sent to each of the County Courts named in Schedule 3 so that the respective court files may be updated to record the effect of this Order.
3. To assist the Court with paragraph 2 of this Order:
 - 3.1 The Applicant’s solicitors, Shoosmiths LLP, shall submit a draft letter together with the addresses of each such County Court to be used by the Court explaining to each of the receiving County Courts that (a) this Order has been made, (b) requesting that the Court files be updated to give effect to this Order, and (c) quoting the Applicant’s solicitors’ reference number and contact details so that the receiving County Court may (i) provide confirmation as and when the relevant Court files have been updated, and (ii) so that any further queries may thereby be directed.
 - 3.2 Upon approval by the court of the draft letter, the Applicants will produce letters to all of the relevant county courts listed in Schedule 3 of this Order and return them to the court for signature. The Court will sign and return those letters to the Applicant’s solicitors, upon receipt of which the Applicant’s solicitors shall arrange for them to be sent to the relevant courts by email or post.
4. In the event that any of the Defendants should request a copy of this Order, it shall be sufficient for a County Court responding to that request to provide such a Defendant with

a copy of the Order omitting the entirety of Schedule 2, but to identify in a covering letter the Claim or Claims which concern that Defendant.

5. Service of this Order shall be effected by the Applicant or its solicitors writing to each of the Defendants within 56 days of the sealing of this Order informing them in brief terms that (a) this Order has been made, (b) they are entitled to a copy of the Order upon request, and (c) of the Applicant's or the Applicant's solicitors contact details to which any such requests may be directed.
6. For the purposes of paragraphs 3 and 5 of this Order, the Court has been provided with and approves the terms of the draft letters which have been submitted by the Applicant's solicitors.
7. No order as to costs.

SCHEDULE 1



SCHEDULE 2

SCHEDULE OF CLAIMS



SCHEDULE 3

SCHEDULE OF COUNTY COURTS

