IN THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CAUSE NO: FSD 205 of 2017 (NSJ)

BETWEEN:

(1) LEA LILLY PERRY

(2) TAMAR PERRY

PLAINTIFFS

AND

(1) LOPAG TRUST REG.

(A Trust Enterprise registered under the laws of the Principality of Liechtenstein)

(2) PRIVATE EQUITY SERVICES (CURAÇAO) N.V.

(A Company incorporated under the laws of Curaçao)

(3) FIDUCIANA VERWALTUNGSANSTALT

(An Establishment incorporated under the laws of the Principality of Liechtenstein)

(4) GAL GREENSPOON-PERRY

(5) YAEL PERRY

(6) DAN GREENSPOON

(7) RON GREENSPOON,

(8) MIA GREENSPOON

(9) ADMINTRUST VERWALTUNGSANSTALT

(10) CATO REG.

DEFENDANTS

Before:	The Hon. Justice Segal
Appearances:	Mr Paul Chaisty KC and Mr Nicholas Dunne of Walkers for the Plaintiffs Mr Graeme McPherson KC and Ms Natasha Partos of Campbells for the Ninth and Tenth Defendants
Heard:	22 July 2024
Draft Judgment circulated:	30 July 2024
Judgment delivered:	12 August 2024

HEADNOTE

Worldwide freezing orders – WFO containing Disclosure Order requiring each Respondent to disclose assets – Non-compliance with the Disclosure Order - Application for Respondents to disclose particular information and documents in order to comply with Disclosure Order [– Orders granted for such further disclosure to be provided within 21 days]

JUDGMENT

Introduction

1. On 22 July 2024 I heard the summons (the ***WFO Summons***) issued on 9 October 2023 by the Ninth and Tenth Defendants (the ***Trustees***). In the WFO Summons the Trustees seek an order requiring the Plaintiffs to provide further information concerning their assets and the Trustees have attached to the WFO Summons a draft order (the ***Draft Order)*** with two schedules setting out the information they seek, in the form of a number of questions addressed separately to the First Plaintiff and the Second Plaintiff(schedule 1 sets out the information sought from and the questions for the Second Plaintiff while schedule 2 sets out the information sought from and the questions for the First Plaintiff).

2. The Trustees argue that the Plaintiffs are required to provide this information in order properly to comply with the worldwide freezing orders (the ***WFOs***) made against each of them pursuant to my orders dated 12 June 2023. The WFO's (in [7(1)(a)]) required each of the Plaintiffs to:

> *"inform the Trustees' attorneys of all her assets worldwide exceeding US$50,000 in value whether in her own name or not and whether solely or jointly owned, and whether she is interested in them legally, beneficially or otherwise giving the value, location and details of all such assets."* [my underlining]

3. In [7(1)(b)] of the WFO each of the Plaintiffs was required to swear and serve on the Trustees' attorneys an affidavit setting out the information.

4. Pursuant to the WFOs the First Plaintiff served an affidavit dated 6 June 2023 (***LP 4***) and the Second Plaintiff served an affidavit dated 26 June 2023 (***TP 27***). Exhibited to LP 4 was a schedule (the ***LP Schedule***) which set out details of the First Plaintiff's assets. Exhibited to TP 27 was a schedule (the ***TP Schedule***) which set out details of the Second Plaintiff's assets. Both schedules were in the form of tables with three columns headed "description of the asset"; "estimated approximate value" and "legal status". Both the First Plaintiff and the Second Plaintiff said that the asset valuations were given to the best of their ability noting that many of the assets are difficult to value on a day-to-day basis.

5. Subsequently, on 7 August 2023 (the ***Walkers Letter***) the Plaintiffs' Cayman attorneys (Walkers) wrote to the Trustees' Cayman attorneys (Campbells) and provided further information.

6. The Trustees considered that even after the Walkers Letter, the Plaintiffs had failed to comply with their obligations under the WFO. Campbells wrote to Walkers requesting that further information be provided but when no additional information was forthcoming the Trustees issued the WFO Summons (which is supported by the Twelfth Affidavit of Mr Klaus Boehler).

7. The Plaintiffs opposed the WFO Summons but did not file any evidence in support of their position.

8. At the hearing, Mr Graeme McPherson KC appeared for the Trustees and Mr Paul Chaisty KC appeared for the Plaintiffs.

9. At the conclusion of the hearing, I said that I was satisfied that the Trustees were entitled to much of the further information they sought but that rather than seek to draft the necessary amendments to the lengthy draft order, and explain my reasons, at the end of the hearing I would prepare an amended form of the order and a short judgment explaining my reasons in outline. This is that judgment to which I attach an amended form of the order.

The Trustees' submissions

10. The Trustees cited and relied on a number of authorities, in particular the judgments of Chief Justice Smellie in *Classroom Investments v China Hospitals* [2015 (1) CILR 451] and Joanna Smith QC (as she then was, sitting as a Deputy High Court Judge) *in PJSC Commercial Bank Privatbank v Kolomoisky* [2018] EWHC 482 (Ch), and chapter 23 in Gee, *Commercial Injunctions* (seventh edition, 2021). They submitted that the applicable law could be summarised as follows:
    (a). the purpose of an asset disclosure order is to police the freezing injunction (or to put the point in another way to make the freezing order effective).

(b). an asset disclosure order is also important to enable the party in whose favour it has been granted to identify the nature and extent of the respondent's interest in assets *and* to decide whether to take steps (and if so what steps) in relation to his undertaking in damages.

(c). information need not be provided if it goes beyond what is needed to police the injunction.

(d). the Court has the power to order disclosure of documents to support an asset disclosure order.

(e). the usual practice, as in this case, is to order the disclosure of all the respondent's assets so that the respondent is not entitled to pick and choose what assets to disclose. There is no rule or practice that disclosure should be limited to assets having sufficient value to meet the maximum sum in the freezing order.

(f). the fact that the information sought is confidential does not of its own entitle the respondent to withhold disclosure. Although it is an invasion of privacy to force a party to disclose such information, a freezing order in normal circumstances cannot be effective without such disclosure.

(g). the WFO requires the Plaintiffs to disclose the value, location and details of their assets. The meaning of "*details*" was considered by Mr Justice Bryan in *Gerald Metals SA v Timis and others* [2017] EWHC 3381 (Comm) (***Gerald Metals***). He held that disclosure of sufficient information was required to allow the claimant and the Court to know the nature and extent of the respondent's interest in the relevant assets and the Court could require disclosure of a document where that was required for this purpose.

11. The Trustees argued that the information sought in the questions contained in the schedules to the Draft Order was needed in order to allow the WFOs to be policed. The information and disclosure by the Plaintiffs to date had been woefully inadequate. It was clear that the Plaintiffs had failed to comply with their disclosure obligations in the

WFOs. The questions formulated by the Trustees referred to the limited disclosure made to date by the Plaintiffs and identified further information which was needed to establish the nature and extent of the Plaintiffs' interests in the assets they had referred to in the LP Schedule and the TP Schedule, as expanded upon in the Walkers Letter.

The Plaintiffs' submissions

12. The Plaintiffs did not challenge the correctness of the Trustees' summary of the applicable law. However, they emphasised the following points:

(a). the purpose of a disclosure order was the policing of the freezing order and the requirements of such an order will be narrowly construed.

(b). disclosure should not be ordered of information which is not needed for that purpose.

(c). disclosure orders are also subject to strict requirements of necessity and proportionality. There must be some practical utility in requiring disclosure for the purpose of enabling the freezing order to be properly policed. The Court will be vigilant to prevent the abuse of the jurisdiction to make disclosure orders and will not permit disclosure orders to be made for the purpose of imposing undue pressure on a respondent (who has already been cross-examined), to provide ammunition for an application for contempt or for use in the main proceedings. These propositions were based on the judgment of Mr Justice Hildyard in *JSC Mezdunarodniy Promyshlenniy Bank v Pugachev (No.2)* [2016] 1 WLR 781.

(d). the reference to the provision of information for the purpose of policing the freezing order therefore must be restrictively construed to mean information that is reasonably and proportionately necessary to prevent any improper dissipation of assets.

13. The Plaintiffs' submissions can be briefly summarised as follows:

(a). as regards the Plaintiffs' disclosure that they believe themselves to be beneficiaries under Mr Perry's various wills, they had provided all the information that was

reasonably needed by the Trustees or could reasonably be given at this stage. Their interests were disputed and the subject of continuing litigation (and the Trustees were fully aware of the issues in relation to Mr Perry's English will because they were parties to the related English proceedings). The information sought by the Trustees was of no or very limited practical utility and it would be disproportionate to order the Plaintiffs to provide it.

(b). as regards the various properties which the Plaintiffs had identified, the Plaintiffs initially submitted that they had disclosed all that was required for the purpose of allowing the Trustees and the Court to police the WFO. They had identified the relevant properties and the nature of their interest in them. In some cases, the First Plaintiff or the Second Plaintiff was the legal owner or their rights were in dispute in Israel. The Plaintiffs had disclosed that many of the properties were subject to security interests (in the form of pledges) and initially argued that they were not required to disclose the terms on which loans had been advanced or the identity of the lender. This information, they said, was confidential and irrelevant to policing. They noted that in *Gerald Metals* Bryan J had required disclosure of the terms of a trust on which assets subject to a freezing order were held. But such disclosure was necessary for policing because the trust structure was complex and without understanding the terms of the trust there was a risk of undetected dissipation. The position was very different here, the Plaintiffs said, where their interest was clear. In the case of each property, save where their interest was in dispute, the relevant Plaintiff was the legal owner of the property subject to a single pledge.

(c). at the hearing, Mr Chaisty KC rowed back somewhat from this position and conceded that in order to establish the extent and value of the Plaintiffs' interest in the properties it was necessary to disclose the loan terms relating to the sums payable to the lender including the rate of interest and the right to further advances. But, Mr Chaisty KC said, it was not necessary to disclose the identity of the lender or other terms of the loans.

(d). as regards the Plaintiffs' disclosure concerning their private art collections, it was disproportionate and inconsistent with the disclosure order in the WFO to require them to identify and value each item and its location. The disclosure order only

applied to an asset if it was worth more than US$50,000. This would be a very substantial undertaking which would require expert valuation advice. The Second Plaintiff had given evidence that she had no immediate means of financing such an exercise.

(e). as regards the disclosure by the Second Plaintiff that she is the beneficial owner of the company which owns Kikar Albert Properties Limited (***KAPL***) and that KAPL owns and has granted a pledge over a property (with the pledge securing loans made to the Second Plaintiff), the information provided was sufficient. The Trustees were fully aware that KAPL was owned by European Holdings Investment Inc (***EHI***) and that the Second Plaintiff has asserted for a long time that she is the true shareholder of EHI (this issue had been addressed by me in my judgment dated 27 May 2020). The fact that her claim had, to date, failed in litigation before various courts was beside the point. The Second Plaintiff had simply reasserted her honest belief as to her rights in relation to EHI and nothing further needed to be disclosed. Once again, it was unnecessary and inappropriate to disclose details of the secured loans (save for the financial terms) or the identity of the lender. The First Plaintiff had said that she did not have a disclosable interest in KAPL and this was also sufficient.

(f). as regards the Second Plaintiff's disclosure regarding bank accounts, she had said that she only had empty or overdrawn accounts and identified them (even though she had no obligation to do so since their balances were below US$50,000). The Second Plaintiff had also said that she "*does not have access to meaningful liquid funds in her own name and depends upon the charity and goodwill of others and the forbearance of service providers, in order to meet here expenses*." The Trustees appeared to be seeking further information about loans made to the Second Plaintiff to fund her living expenses. Loans already made were not her assets all the more so when their proceeds were not held by her. The Second Plaintiff submitted that such loans were therefore not disclosable under the WFO although she accepted that access to an undrawn loan facility might well be. Any security granted over the Second Plaintiff's assets had already been disclosed.

(g). the First Plaintiff had disclosed that she had access to safe deposit boxes and the Trustees now sought disclosure of each item and its value in the boxes. Since the WFO only required disclosure of assets worth in excess of US$50,000 this was beyond the scope of the disclosure order.

(h). as regards the First Plaintiff's collection of jewellery and fans, the Trustees were once again seeking disclosure of the identity and value of individual items, even where they were valued below US$50,000. This was clearly inconsistent with the disclosure order. Furthermore, the Trustees' requests were disproportionate. They would require an extensive time consuming and expensive exercise that was unnecessary.

(e). the Plaintiffs also remained concerned that the Trustees were acting improperly and wanted information for an improper and collateral purpose. They referred to the results of the Curacao investigator's inquiries (which although not formally in evidence were known to both the Trustees and the Plaintiffs) which they said were highly critical of the Trustees' conduct and that their assets had been frozen by the WFO for an unacceptably long time, particularly in view of the progress made in and the favourable outcome of the proceedings in Curacao. The Court should not allow the Trustees to undertake a fishing expedition or to abuse the terms of the WFO.

Discussion and decision

The law

14. As I have already noted, there is no material disagreement as to the applicable law to be applied. In my view, the summary of the law provided by the Trustees (as set out above) is correct.

15. The power to make a freezing order carries with it the power to make whatever ancillary orders are necessary to make the freezing order effective. Disclosure orders are needed to assist the claimant to make the freezing order effective. They facilitate the policing of the order by identifying the nature and extent of the respondent's interest in assets subject

to the order and to allow the claimant to decide whether to take further steps (and if so what steps) to protect such assets and avoid asset dissipation.

16. I accept that the Plaintiffs are right to say that disclosure orders in a freezing order are subject the principle of strict interpretation. This was noted by Mr Justice Bryan in *Gerald Metals* at [49] and [50]. I also accept that when considering whether to make an order for further disclosure the Court has to be satisfied that the information is needed for a proper purpose (as set out in [15] above) and to that extent has a practical utility. I accept that, as Mr McPherson KC pointed out during his reply submissions, *Pugachev (No.2)* was a case involving an application for further and additional affidavit evidence after cross-examination so that the context was different from the present case where the Trustees, on their case and I think correctly, say that they are seeking clarification of the initial disclosure made by the Plaintiffs in order to secure compliance with the WFO (and not new and further information). However, it seems to me that the points made by Mr Justice Hildyard in *Pugachev (No.2)* at [39] and [40] regarding the need for an order requiring disclosure to have practical utility and to be proportionate apply generally on any application for an order for disclosure pursuant to a freezing order, even where the order is to give effect to the original order for disclosure. As Hildyard J noted at [38] he was applying the same basic test of whether the court is satisfied that further evidence is necessary in order to make the freezing order effective.

17. It is, I think, helpful to set out and bear in mind the analysis of Mr Justice Bryan in *Gerald Metals* at [54]-[59] where he considered whether to make an order of a trust deed to which the fifth defendant was a party. It was said that disclosure should be given of this document in order to ensure that the freezing order could not be circumvented. Bryan J said as follows:

> *"54. Even more fundamentally, it is expressly provided at paragraph 2.2 of the deed of assignment that FPC agrees to and declares that it shall hold the interest "upon the terms of the FPC Capital Trust"*. *Without knowing the terms of the FPC Capital Trust, it is simply not possible to know the nature and extent of FPC's interests. That will depend on the terms on which FPC is acting as "trustee" under the "FPC Capital Trust". The "asset" which FPC, as opposed to the beneficiaries, holds will or is likely to be defined by the FPC Trust Instrument.*

> 55. *Accordingly, I consider that on the true and proper interpretation of paragraph 8(1) of Picken J's order, the most accurate answer to the information that was sought extends to not only revealing the fact that there is a deed of assignment of beneficial interest, but also referring to and providing details of the document, which has been variously described as the FPC Trust Instrument.*
>
> 56. *In saying that, I am not making a finding of breach of the order of Picken J, but simply saying that I consider it could most accurately be complied with by providing that documentation. Whether or not that is so, in any event, I consider that it is appropriate by way of clarification or by way of addition, that such disclosure should be given, by way of variation of that order, for the avoidance of doubt.*
>
> 57. *Disclosure of that documentation, I am satisfied, is required as part of the policing of the injunction so that the nature and extent of FPC's interest is identified and so that assets which might otherwise be dissipated can be preserved; either on the basis of the existing order, or by variation of the order or on the basis of the principle identified in Gee on Commercial Injunctions Fifth Edition at paragraph 23/003 ["An order can be made if the purpose is to identify and preserve assets for the defendant which might otherwise be dissipated notwithstanding the injunction. This will include obtaining the information so that notice of the injunction can be given to third parties who will then become bound not to commit a contempt of court … or so this order can be obtained from a foreign court, freezing the assets there, or so that if necessary an order can be made for the delivering up of specified assets"].*
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> 58. *I should say that I do not consider that it is an answer to the reasoning that I have just provided to say, "Well, in any event the freezing order prevents the FPC from taking any action which would dissipate those assets". That is always true, in general terms, by reference to paragraph 4 of the freezing order itself. Nevertheless, this court has long recognised, as is reflected in paragraph 8(1) of the order in this case which is substantially in the form of the standard commercial court order, that in addition to entities being injuncted from dissipating assets, it is also important that there are provisions to police that, which include disclosure of assets.*
>
> 59. *For the reasons I have given, I consider that the disclosure that is required extends to the document that I have identified, ie the FPC Trust Instrument as that is defined. However, I can see no similar justification for provision of the indemnity documentation unless, of course, that happens to be the same documentation."*

18. It is also worth bearing in mind the further comments of Mr Justice Hildyard in *Pugachev (No.2)* at [42] and [43] that a party who is subject to a disclosure order is required to take reasonable steps to investigate the truth or otherwise of any answer which he gives as regards assets in which he has or had an interest. However, that does not extend to making

inquiries of persons in relation to assets in which the party unequivocally asserts he no longer has any interest of any kind or any right to information.

The orders to be made in this case

19. I agree with the Trustees that the Plaintiffs' disclosure to date has been inadequate and requires clarification and in some respects elaboration. The LP Schedule and the TP Schedule were skeletal and cryptic. The sending of the Walkers Letter acknowledged the need for further disclosure but the disclosure to date remains incomplete. Adequate details of the Plaintiffs' assets have not yet been provided.

20. My decision on each of the various further disclosures sought by the Trustees and on the opposition of the Plaintiffs can be seen from the form of order that I shall make as set out in the amended form of order attached to this judgment.

21. The reasons for these decisions can be summarised as follows.

22. As a general point, I would note that many of the information requests (and questions) raised by the Trustees involve clarification of the general and cryptic responses provided to date by the Plaintiffs.

23. As regards the Plaintiffs' disclosure that they believe themselves to be beneficiaries under Mr Perry's various wills, the Plaintiffs need to set out their disclosures with greater clarity and precision. For example, the Second Plaintiff in the TP Schedule refers to "*the will of Israel Perry*" without identifying precisely which will (and the document) she is referring to and in order for the Trustees to be able to understand the nature and extent of the Second Plaintiff's (possible) interest with accuracy she needs to do so. She also needs (briefly) to explain the basis of her claim and what assets it relates to (and how her value of estimate of US$10 million is arrived at). As I say, the further disclosure need not be long but it must accurately and clearly explain the nature and extent of the Second Plaintiff's potential interest. The Plaintiffs have said (as confirmed in an email from the Fifth Defendant's Cayman attorneys, Priestleys, after the hearing) that information concerning the probate proceedings in Israel are strictly confidential to the parties to those proceedings (which the Trustees are not) and that no information arising in relation

to those proceedings can be provided to non-parties without the consent of all parties to such proceedings. The Trustees, by way of a post hearing email from Campbells in response to the email from Priestleys, contest that view and also submit that Priestleys' comments on behalf of the Fifth Defendant should be ignored. The Fifth Defendant did not participate in the hearing (after having been served with the Summons and the evidence in support) and did not file any evidence on this point (or any other matter). I agree although the Plaintiffs themselves, by way of submission, did maintain that information relating to the Israel proceedings was confidential. But in the absence of any evidence from the Plaintiffs on this I give the assertion very little weight. Had this been a real point, the Plaintiffs could have, and had plenty of opportunity, to explain the issue in detail and the benefit of Israeli law advice if needed (they could have sought permission to file such evidence). In any event, as I have explained, confidentiality is not an answer to an application for disclosure where the information is needed to make the freezing order effective and the information sought by the Trustees in the questions as I have amended them are so needed. The First Plaintiff's disclosure in the LP Schedule as to the value of her interest as heir to Mr Perry's estate is confusing and needs to be clarified.

24. As regards the various properties which the Plaintiffs had identified, the Plaintiffs have described themselves as the legal (and registered) owner. This leaves open the question of whether they are also the beneficial owner and holder of the full economic interest in the properties. It may be that the Plaintiffs intended the reference to the legal owner to cover such full economic interest, but they need to be clear and say so. It is also clear that the Plaintiffs need to provide particulars of the security interest (pledges) granted in relation to these properties. The amount secured by the pledges (covering the amount of the loans advanced to date and available to be advanced in the future and interest and fees payable to the lender) is obviously critical to an understanding of the extent of the Plaintiffs' financial interest in the properties. The Plaintiffs must disclose the amounts advanced to date, any rights to request further advances, the interest rate, any terms entitling the lender to fees, all other loan terms which might increase the amounts secured by the pledges and the lender's rights to accelerate the loan and enforce the pledges. This information should have been disclosed at the outset.

25. It also seems to me that the Trustees need to know what rights are granted to the lender in respect of and over the properties by the pledges. In order to make the WFOs effective the Trustees need not only to know how much is or may become secured but also when and in what circumstances the lender may be able to enforce the pledges. For this purpose, it seems to me that the identity of the lender is also relevant to making the WFOs effective and needs to be disclosed. The identity of the lender is relevant to an assessment of the likelihood of the lender's rights being enforced and therefore of the extent of the risk of the property being sold at a forced sale price. This goes to a realistic assessment of the nature and extent of the Plaintiffs' interest in the properties. I also note that the Plaintiffs, in their written submissions, as I have already commented, have said that loans had been advanced to the Second Plaintiff but that the loan proceeds were not held by her. It appears that her assets may have been granted as security for loans not advanced to her. It is relevant to understand the extent to which the value of her assets have been reduced and are capable of being further reduced in this way (both for the purpose of assessing the continuing value of her interest and whether there is a risk of the – possibly further – dissipation of her assets). Details of the dates on which loans made before the WFO was granted are not relevant (as Mr McPherson KC confirmed at the hearing, the Trustees are not generally seeking historic information) but I do consider that it is relevant to know if advances were made after the WFO was granted.

26. The best way of obtaining all this information is by the production of copies of the loan agreements and the pledge documents. As Bryan J held in *Gerald Metals*, the disclosure order in the WFO can most accurately be complied with by providing this documentation. However, the Trustees' Draft Order does not seek a copy of the loan agreement but instead asks for details of the terms of the loans. I have not amended the relevant parts of the Draft Order to add a requirement to provide copies of the loan agreements. It will be for the Plaintiffs to decide whether to provide such copies or merely details of the relevant terms.

27. As regards bank accounts, it seems to me that the Second Plaintiff's disclosure does require clarification. Her disclosure at least suggests, or leaves open the possibility, that she is saying that she has access to meaningful liquid funds (or accounts holding such funds) that are not in her name. The Second Plaintiff needs to confirm whether this is the case and, if it is, identify such funds (or accounts) and the rights she has.

28. As regards the individual items of artwork, jewellery, fans and in safety deposit boxes, the Trustees accept (as Mr McPherson KC confirmed at the hearing) that the Plaintiffs are not required to disclose items with an estimated value of US$50,000 or less. But they must briefly describe and identify items with an estimated value in excess of this amount. This will require an inventory to be prepared (if the Plaintiffs really do not have any record of the items they own) and some valuation advice obtained. This will, I accept, take some time and involve some expense. The Plaintiffs could have adduced evidence as to the true extent of the exercise, the type of valuation advice needed and the approximate cost of such advice, but they chose not to do so. They could, to the extent that they could show that the exercise would involve material expense, have sought an order that the Trustees at least contribute to the cost of the valuations. The Plaintiffs chose not to do so. The WFO also requires the Plaintiffs to disclose the location of their assets and that they do so in relation to these items where the location has not been disclosed to date.

29. I have noted, and take into account, the Plaintiffs' continuing concerns regarding the Trustees' conduct as identified in the Curacao proceedings. But the Plaintiffs have, once again, chosen not to adduce any evidence as to this. The Second Plaintiff's Thirty Second Affidavit, to which Mr Chaisty KC referred during his submissions, has never been sworn or served. There is no evidence before the Court on the WFO Summons which would entitle the Court to conclude that there is a real risk that the Trustees will not observe and comply with their obligations regulating the use of information disclosed pursuant to the WFO. I am happy to reiterate that these obligations are serious and must be observed and that a failure to do so will result in serious consequences.

30. I also accept the Trustees' submission that the delay in listing the WFO Summons was not their responsibility. The delay, as Mr McPherson KC pointed out at the hearing, was the result of a misunderstanding by the Court, and then a failure by all parties to follow up rapidly to correct the Court's misunderstanding and to clarify the position, which resulted in a listing in February being vacated. But, as I said at the hearing, progress does need to be made promptly to progress the Trustees' claim for damages under their Plaintiffs' cross-undertaking and a directions hearing needs to be listed as soon as can

conveniently be arranged (I note that dates have now been proposed for such a directions hearing).

31. The Draft Order provided for the Plaintiffs to provide the further disclosure within seven days. This seems to me to be an unreasonably short period. I have amended this to 21 days. If the Plaintiffs wish to seek a longer period for certain disclosures they may make suitable submissions with supporting evidence and justification (although I would hope that the timetable can be agreed by the parties). I have also put a square bracket around the costs order in the Draft Order. The parties should seek to agree the costs order and if they are unable to do so they should file short written submissions within fourteen days of the sealing of the order.

The Hon. Justice Segal
Judge of the Grand Court, Cayman Islands
12 August 2024

IN THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CAUSE NO: FSD 205 of 2017 (NSJ)

BETWEEN:

(1) LEA LILLY PERRY

(2) TAMAR PERRY

PLAINTIFFS

AND

(1) LOPAG TRUST REG.

(A Trust Enterprise registered under the laws of the Principality of Liechtenstein)

(2) PRIVATE EQUITY SERVICES (CURAÇAO) N.V.

(A Company incorporated under the laws of Curaçao)

(3) FIDUCIANA VERWALTUNGSANSTALT

(An Establishment incorporated under the laws of the Principality of Liechtenstein)

(4) GAL GREENSPOON-PERRY

(5) YAEL PERRY

(6) DAN GREENSPOON

(7) RON GREENSPOON,

(8) MIA GREENSPOON

(a child, by **HAGAI GREENSPOON***, her guardian ad litem)*

(9) ADMINTRUST VERWALTUNGSANSTALT

(10) CATO REG.

DEFENDANTS

This **Order** is filed by Campbells LLP, attorneys-at-law for the First and Ninth Defendants, whose address for service is Floor 4, Willow House, Cricket Square, P.O. Box 884 GT, Grand Cayman, Tel: (1) 345 949 2648 (Ref: MGM/ST/16207-27773)

ORDER

UPON the Court having granted a proprietary injunction (subsequently amended) against the Defendants and the Third Parties on 17 October 2017 (the "**Proprietary Injunction**")

AND UPON the Plaintiffs having each given cross-undertakings in damages in support of the Proprietary Injunction (the "**Cross-Undertakings**")

AND UPON the Plaintiffs having given undertakings to preserve assets in accordance with the Order of the Court dated 10 April 2018 and further Order of the Court dated 15 January 2021 (the "**Plaintiffs' Undertakings**")

AND UPON the Court having appointed Hugh Dickson and John Royle of Grant Thornton Specialist Services (Cayman) Limited (the "**Receivers**") as Joint-Receivers of the single share of Britannia Holdings 2006 Limited ("**BH06**") by the Order dated 5 April 2018, and Hugh Dickson having been replaced by Margot MacInnis on 7 April 2022

AND UPON the Order of the Court dated 27 July 2020 dismissing the Plaintiffs' claims

AND UPON the Order of the Cayman Islands Court of Appeal (the "**CICA**") dated 18 November 2021 dismissing the Plaintiffs' appeal to the CICA

AND UPON the Judicial Committee of the Privy Council ("**JCPC**") stating that it would humbly advise His Majesty to dismiss the Plaintiffs' appeal to the JCPC at a hearing on 18 January 2023 (the "**JCPC Decision**")

AND UPON the Court having dismissed the Proprietary Injunction by Order dated 9 June 2023

AND UPON the First and Ninth Defendants having commenced proceedings against each of the Plaintiffs for damages under the Cross-Undertakings

AND UPON the Order of the Court dated 9 June 2023 including the provision of a worldwide freezing order as against the First and Second Plaintiff (the ***Freezing Order***)

AND UPON the Summons of the First and Ninth Defendants dated 9 October 2023 (the "**Summons**")

AND UPON READING the Twelfth Affidavit of Klaus Boehler dated 11 October 2023 and the documents exhibited thereto

AND UPON HEARING Leading Counsel for the Plaintiffs and Leading Counsel for the Ninth and Tenth Defendants via Video Link

IT IS HEREBY ORDERED THAT:

1. The First Plaintiff shall respond to the questions and requests for further information as set out in schedule 2 hereto by filing and serving an affidavit containing the First Plaintiff's response within 21 days of this order.

2. The Second Plaintiff shall respond to the questions and requests for further information as set out in schedule 1 hereto by filing and serving an affidavit containing the Second Plaintiff's response within 21 days of this order.

3. The Plaintiffs shall pay the Ninth and Tenth Defendants' costs of the Summons to be taxed on the standard basis if not agreed.

Dated this 15th day of August 2024

Filed this 15th day of August 2024

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HON. JUSTICE SEGAL
JUDGE OF THE GRAND COURT

Schedule 1 – Questions to Ms Tamar Perry

"Heir under the will of Israel Perry"

On 7 August 2023 Ms Perry stated that there are ongoing proceedings in connection with Mr Perry's estate in both Israel and the United Kingdom. Ms Perry has claimed in the former of those proceedings, which remains pending, and the asset (being her claim under the relevant will) is thus contingent upon the outcome of those proceedings. Please explain:

1. What document(s) is Ms Perry referring to when she refers to the "will of Israel Perry"?

2. What is the legal basis for Ms Perry's claim (on what basis does she claim to be entitled to receive US$10 million under the relevant will)?

3. Is the amount of Ms Perry's claim (and is her entitlement) fixed at US$10 million or variable?

Home in Bitan Aharon / Property at Derech Hailanot 10, Bitan Aharon

On 7 August 2023 Ms Perry asserted that she is in the process of registering her interest as the legal owner of the property at Derech Hailanot 10, Bitan Aharon and that that property was last valued in 2021. Ms Perry has also alleged that the property is pledged as security for personal loans made to herself. Ms Perry has stated that those loans are confidential but has not explained the basis of that confidentiality or why she is not obliged to share information relating to the loans, which is plainly relevant to the policing of the WFO. Please confirm:

1. If Ms Perry has not yet been registered as the legal owner of the property, what rights she has as against the current legal owner to be registered as the legal owner.

2. That Ms Perry is also the sole beneficial owner of the property. Please provide:

    a. A copy of the pledge(s) relating to the property; and

    b. Details of all the total amount advanced to date under the loans to Ms Perry as secured against the property and

I. If any advances were made after the date of the Freezing Order, the amount and dates of such advances;

II. The parties to the loan(s);

III. Whether Ms Perry has the right to draw down further advances; and

IV. The rate of interest payable in respect of and the other terms of the loans.

2 Karl Neter Street, Tel Aviv

On 7 August 2023 Ms Perry stated that she is the legal, registered, owner of the property at 2 Karl Neter Street, Tel Aviv and that the property was valued in 2021. Ms Perry has also alleged that the property is pledged as security for personal loans made to herself. Ms Perry has stated that those loans are confidential but has not explained the basis of that confidentiality or why she is not obliged to share information relating to the loans, which is plainly relevant to the policing of the WFO. Please confirm:

1. Whether Ms Perry is also the sole beneficial owner of the property.

2. Please provide:

   a. A copy of the pledge(s) relating to the property; and

   b. Details of the total amount advanced to date under the loans which are secured against the property and

      I. If any advances were made after the date of the Freezing Order, the amount and dates of such advances;

      II. Details of Ms Perry's rights to draw down further loans;

      III. The parties to the loan(s); and

      IV. The interest rate payable in respect of the loans and the other terms of the loans.

***House in Jaffa Beit Hakshatot at* Auerbach 7-9, Tel Aviv**

On 7 August 2023 Ms Perry stated that she is the legal, registered, owner of the property at Auerbach 7-9, Tel Aviv and that the property was valued in 2021. Ms Perry has also alleged that the property is pledged as security for personal loans made to herself. Ms Perry has stated that those loans are confidential but has not explained the basis of that confidentiality or why she is not obliged to share information relating to the loans, which is plainly relevant to the policing of the WFO. Please confirm:

1. Whether Ms Perry is also the sole beneficial owner of the property.

2. Please provide:

    a. A copy of the pledge(s) relating to the property and

    b. Details of the total amount advanced to date in respect of the loans secured against the property; and

        I. If any advances were made after the date of the Freezing Order, the amount and dates of such advances;

        II. Ms Perry's rights to draw down further sums;

        III. The parties to the loan(s); and

        IV. The interest rate payable in respect of the loans and the other terms on which such sums have been loaned.

Private art collection

On 7 August 2023 Ms Perry stated that she does not maintain a catalogue or valuations in respect of her personal art collection and that she does not believe that her private art collection is insured separately.

1. With respect to each item of artwork that is estimated to be valued at more than US$50,000:

    a. Provide a brief description of the artwork (identifying the artist, subject matter and if

known the date created and any other known details materially relevant to the value of the item);

b. Where is each item of art located; and

c. If any other person claims to have an interest in it, who claims such an interest and what interest do they claim?

Interest in Kikar Albert Properties Ltd ("Kikar Albert")

On 7 August 2023 Ms Perry stated that she is the beneficial owner of the company which owns Kikar Albert Properties. Ms Perry also stated that Kikar Albert does not own any other properties other than the property at Montefiore Street. With respect to the property at Montefiore Street, Ms Perry has stated that the property is pledged (the ***pledge***) as security for personal loans made to Ms Perry.

1. Is European Holdings Investment ("**EHI**") the company referred to as the owner of Kikar Albert? How is Ms Perry the beneficial owner of EHI (what rights does she have in respect of EHI)? How is EHI the owner of Kikar Albert (what interest in or rights in respect of Kikar Albert does EHI have)?

2. Please provide:

   a. A copy of the pledge(s); and

   b. Details of:

      I. The total amount advanced to date in respect of the loans to Ms Perry;

      II. If any advances were made after the date of the Freezing Order, the amount and dates of such advances;

      III. Ms Perry's right to draw down further advances;

      IV. The parties to the loan(s); and

      V. The rate of interest payable on and the other terms of the loans.

3. Please confirm the amount of the net assets (or net liabilities) of Kikar Albert as at the date of the Freezing Order.

Bank accounts

On 7 August 2023 Ms Perry stated that she does not have access to meaningful liquid funds ***in her own name*** and depends upon the charity and goodwill of others, and the forbearance of service providers, in order to meet her expenses. Please confirm whether Ms Perry has access to meaningful liquid funds (or accounts holding such funds) that are not in her name and identify such funds (or accounts). If she does, please confirm the basis on which she has such access and whether Ms Perry has (and describe) any interest or rights in or authority or power to deal with such funds (or accounts).

Schedule 2 – Questions to Mrs Lea Lilly Perry

"Heir to estate of Israel Perry USD20million plus rights in Cote D'Azur and art collection"

On 7 August 2023 Mrs Perry stated that there are ongoing proceedings in connection with Mr Perry's estate in both Israel and the United Kingdom, that she has claimed in each of those proceedings, which remain pending, and that the asset is thus contingent upon the outcome of those proceedings. Please:

1. Confirm what interest and rights does Mrs Perry's claim to have against Mr Perry's estate (on what basis does she claim to be entitled to receive US$20 million from Mr Perry's estate).

2. Provide details of how the value of US$20 million, referred to in Walkers' letter dated 7 August 2023, is calculated and include the identity of each asset with an estimated value in excess of US$50,000 comprising that value and the value of each such asset.

3. Confirm whether Mrs Perry is stating that the value of her claimed rights and interest as heir (valued by her at US$20 million) is in addition to the value of her interest in Cote d'Azur and in her rights in the art collection? Walkers say in their letter (as noted below) that Mrs Perry's rights in Cote d'Azur are estimated to be worth in excess of US$20 million but in the schedule to Mrs Perry's Fourth Affidavit, Mrs Perry states that the value of her rights and interest in Mr Perry's

estate is "US$20 million ***plus*** rights in Cote d'Azur and art collection." The art collection is separately listed in that schedule and attributed a value of US$20 million but the rights in Cote d'Azur are not. Mrs Perry has referred to having "rights in Cote d'Azur." Cote d'Azur is a company. Describe the relevant rights and explain how the value of such rights has been calculated. For example, does the US$20 million figure, referred to in Walkers' letter, represent the net asset value of the company?

4. In respect of each item of art in Mrs Perry's "personal possession" which is estimated to be valued at more than US$50,000 please:

   a. Provide a brief description of the artwork identifying the artist, subject matter and if known the date created and any other known details materially relevant to the value of the item);

   b. The location of each item of art; and

   c. The estimated value of each such item.

5. Please explain the basis on which Mrs Perry claims to own or have an interest in these items of art (what is meant by the statement in Walker's letter dated 7 August 2023 that the art "*was intended to be hers*").

Apartment at 64 Pinkus Street, Tel Aviv (Block 7250, Parcel 2)

On 7 August 2023 Mrs Perry stated that she is the registered legal owner of the property at 64 Pinkus Street, Tel Aviv and that no formal valuation of the property has been conducted. Please confirm:

1. Whether Mrs Perry is the sole beneficial owner of the property.

Apartment at 29 Frishman Street, Tel Aviv (Block 6906, Parcel 8, Sub Parcel 11)

On 7 August 2023 Mrs Perry stated that she is the registered legal owner of the property at 29 Frishman Street, Tel Aviv and that no formal valuation of the property has been conducted. Please confirm:

1. Whether Mrs Perry is the sole beneficial owner of the property.

Apartment at 67 Frishman Street, Tel Aviv (Block 6952, Parcel 38, Sub Parcel 4)

On 7 August 2023 Mrs Perry stated that the ownership of the property at 67 Frishman Street, Tel Aviv is in dispute and that the property is part of the Israeli probate dispute which is ongoing. Mrs Perry has stated that no formal valuation of the property has been conducted but not identified the interest she currently has (if any) or the interest she claims to have. Please confirm:

1. What rights and interest (if any) does Mrs Perry claim to have in the property?

2. What rights and interest do other persons (with whom Mrs Perry is in dispute) claim to have in the property?

Apartment at 14 Bilu Street, Tel Aviv (Block 7441, Parcel 17, Sub Parcel 11)

On 7 August 2023 Mrs Perry stated that she is the registered legal owner of the property at 14 Bilu Street, Tel Aviv and that no formal valuation of the property has been conducted. Please confirm

1. Whether Mrs Perry is the sole beneficial owner of the property.

House at 32 Tura Street, Jerusalem (Block 30030, Parcel 54)

On 7 August 2023 Mrs Perry stated that the ownership of the property at 32 Tura Street is part of the Israeli probate dispute which is ongoing. Please confirm:

1. What rights or interest does Mrs Perry claim to have in the property?

2. What rights or interests do other parties claim to have in the property?

"***Bank account plus safe deposit at Pictet, Geneva***"

On 7 August 2023 Mrs Perry confirmed that the account number for the safe deposit at Pictet is account number 130249. She also confirmed that the account is subject to a cross guarantee given to Pictet in relation to a loan taken out by Tamar Perry. Please:

1. Provide a brief description and provide the value of the assets with an estimated value in excess of US$50,000 stored in this safe deposit box.

2. Confirm what is meant by "subject to" the cross-guarantee given to Pictet and what rights Pictet has over and in relation to this account.

3. Provide:

    a. A copy of the guarantee in relation to the loan to Ms Tamar Perry; and

    b. Details of:

        I. The total amount advanced to date to Ms Tamar Perry;

        II. Ms Perry's right to further advances;

        III. If any advances were made after the date of the Freezing Order, the amount and dates of such advances;

        IV. The parties to the loan(s); and

        V. The interest rate payable on the loans and the other terms on which such sums have been loaned.

"***Bank account plus safe deposit at Cantonal Bank Zurich***"

On 7 August 2023 Mrs Perry failed to answer any questions in relation to the safe deposit at Cantonal Bank Zurich. Please confirm:

1. What is the account number for and whose name is on this account?

2. Provide a brief description and provide the value of the assets with an estimated value in excess of US$50,000 stored in this safe deposit box.

"***Bank account at UBP Bank, Monaco***"

On 7 August 2023 Mrs Perry confirmed that the account number for the account at UBP Monaco is 3046291. She also confirmed that the value of the account is US$3,974,474 but that the account is subject to a loan taken by Lilly Perry from the bank which is currently valued at US$334,176.

1. Please confirm :

    a. In whose name this account is held;

    b. If any advances were made to Mrs Perry after the date of the freezing injunction, the amounts and dates of such advances;

    c. Mrs Perry's rights to drawn down further loans and the interest rate and any other fees payable in respect of the loans; and

    d. What is meant by "subject to" the loan by the bank and what rights the bank has over and in relation to this account.

"***Bank account at Leumi Bank, Israel***"

On 7 August 2023 Mrs Perry confirmed that the account number for the account at Leumi Bank Israel is 803-65462/87. She also confirmed that the value of the account is NIS977,195 but that the account is subject to a loan taken by Lilly Perry from the bank which is currently valued at NIS506,100.

1. Please confirm:

    a. In whose name this account is held;

    b. If any advances were made to Mrs Perry after the date of the freezing injunction, the amounts and dates of such advances;

    c. Mrs Perry's rights to drawn down further loans and the interest rate and any other fees payable in respect of the loans; and

2. What is meant by "subject to" the loan by the bank and what rights the bank has over and in relation to this account.

"***Collection of jewellery and handheld fans***"

In the schedule to her Fourth Affidavit, Mrs Perry disclosed that she owns a collection of jewellery and fans with a value of over US$1 million. On 7 August 2023 Mrs Perry confirmed that she believes her collection is worth over US$1 million.

Diamond or other Jewellery and Fan Collection

Please give a brief description of each item in Mrs Perry's diamond or other jewellery and fan collection valued at over US$50,000, with a value for each item and its location. Confirm that the item is owned (or claimed by Mrs Perry to be owned) in her personal capacity, or, if not, please explain the nature of Ms Perry's interest.

"***Private Art collection***"

On 7 August 2023 Mrs Perry stated that the status of her art collection remains subject to dispute in the UK and Israeli probate proceedings and as such it is not presently available to her.

1. Please confirm whether (i) the disputed art collection is covered by Mrs Perry's list of items under 'Heir to estate of Israel Perry' and 'Beneficiary under Liechtenstein trust structure', and (ii) Mrs Perry is referring to her own art collection valued at US$20 million.

2. In addition, and not withstanding that there may be a dispute over Mrs Perry's art collection please, in respect of each item valued at in excess of US$50,000 that Mrs Perry claims to be hers:

    a. Give a brief description of each item in the art collection;

    b. Identify The location of each item;

    c. Provide the estimated value of each item;

    d. Confirm that the item is owned by Mrs Perry (or that Mrs Perry claims to own each item)

in her personal capacity or if not please explain the nature of Mr Perry's interest.

Interest in companies

On 7 August 2023 Mrs Perry averred that she does not have any disclosable interest in either (i) Kikar Albert Properties Ltd.; or (ii) Heritage Cruises Ltd. Ms Perry has stated that she believes that Heritage Cruises has no assets and that Kikar Albert is indebted in a sum larger than the value of its assets.

1. Please clarify what is meant by "*Lilly Perry does not have a disclosable interest in these companies*".