



**IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS  
OF ENGLAND & WALES  
COMMERCIAL COURT (QBD)**

**Claim No. CL-2017-000323**

CL-2017-000323

**Before: The Honourable Mr Justice Foxton  
Dated 20 May 2020**

**IN THE MATTER OF GERALD MARTIN SMITH  
AND IN THE MATTER OF THE CRIMINAL JUSTICE ACT 1988**

**B E T W E E N :**

- (1) THE SERIOUS FRAUD OFFICE**  
**(2) MR JOHN MILSOM AND MR DAVID STANDISH**  
(as joint Enforcement Receivers in respect of  
the realisable property of Gerald Martin Smith) **Applicants**

**- and -**

- (1) LITIGATION CAPITAL LIMITED**  
(a company incorporated in the Marshall Islands)  
**(2) SMA INVESTMENT HOLDINGS LIMITED**  
(a company incorporated in the Marshall Islands)  
**(3) MR ANTHONY SMITH**  
**(4) DR GAIL ALISON COCHRANE**  
**(5) THE VISCOUNT OF THE ROYAL COURT OF JERSEY**  
(as administrator of the *désastre* of Dr Gail Alison Cochrane)  
**(6) STEWARTS LAW LLP**  
**(7) HARBOUR FUND II LP**  
**(8) PHOENIX GROUP FOUNDATION**  
**(9) MINARDI INVESTMENTS LIMITED**  
**(10) THE VISCOUNT OF THE ROYAL COURT OF JERSEY**  
(as administrator of the *désastre* of ORB A.R.L.)  
**(11) PHILIP BARTON**  
**(12) ORB ESTATES PLC** (in administration)  
**(13) MITRE PROPERTY MANAGEMENT LIMITED** (in administration)  
**(14) HOTEL PORTFOLIO II UK LIMITED** (in liquidation)  
**(15) ULRICH PELZ**  
**(16) NICHOLAS THOMAS**  
**(17) ROGER TAYLOR**  
**(18) FRANEK SODZAWICZNY**  
**(19) DAWNA MARIE STICKLER**  
**(20) GERALD MARTIN SMITH**  
**(21) UNICORN WORLDWIDE HOLDINGS LIMITED** (in liquidation in the BVI)  
**(22) GLEN MOAR PROPERTIES LIMITED** (in liquidation in the BVI)  
**(23) BALLAUGH HOLDINGS LTD** (in liquidation in the BVI)  
**(24) BRIDGE PROPERTIES (ARENA CENTRAL) LTD**  
**(25) SPECIALTY FINANCE LTD**

## **Respondents**

---

**ORDER**

---

**UPON** a hearing taking place on 18 May 2020 in accordance with paragraph 9 of the CMC order of Mr Justice Foxton dated 24 February 2020 (the “**February 2020 CMC order**”)

**AND UPON** an Application Notice dated 9 April 2020 issued by the Settlement Parties (as defined in the February 2020 CMC order) pursuant to paragraph 7 of the February 2020 CMC order (the “**Underlying Assets Application**”) in relation to the Settlement Parties’ claims to the assets identified in Schedule 2 to this Order (the “**Identified Underlying Assets**”)

**AND UPON** reading the evidence filed and the correspondence sent to the Court, including letters from: LCL and Harbour dated 12 May 2020; Dr Cochrane dated 13 May 2020 (attaching letters from Dr Imogen Smith and Ms Iona Smith dated 7 May 2020) and emails from: Ms Stickler dated 13 May 2020; and Mr Pelz dated 17 May 2020 at 23.40

**AND UPON** hearing leading counsel for Harbour (on behalf of the Settlement Parties), leading counsel for the SFO, and Dr Smith (in person)

**AND UPON** the Underlying Assets Application having been deemed to be made without notice to Ms Alison Hollis, and Dr Smith agreeing to ascertain and provide current email and correspondence addresses for Ms Alison Hollis.

**IT IS ORDERED** that:

**Case Management and Joinder**

1. The Underlying Assets Application, and all claims made by the Settlement Parties (or any of them) or others to the Identified Underlying

Assets (the “**Underlying Assets Claims**”), shall be case managed alongside the SFO’s application notice dated 26 June 2017 (but without prejudice to paragraph 4 below).

2. The parties listed in Schedule 1 to this Order shall be joined as parties to these proceedings (CL-2017-000323) (the “**Additional Parties**”).
3. All parties (which for the avoidance of doubt shall hereafter include the Additional Parties) and non-parties shall have permission to apply to make a proprietary claim and/or a claim under the Criminal Justice Act 1988 to the Identified Underlying Assets. Further details of the steps to be taken, and the timeframe within which they must be taken, are provided in paragraph 13 below.
4. The question whether the Directed Trial shall be expanded in scope in order to determine one or more of the Underlying Assets Claims shall be determined at the CMC fixed for 27 to 28 July 2020.
5. Any party wishing to propose that the Directed Trial be expanded as aforesaid shall set out their position in writing by 4pm on 13 July 2020.

### **Service**

6. The steps taken by the Settlement Parties to bring the Underlying Assets Application to the attention of the existing parties to these proceedings, and (save in respect of Ms Alison Hollis), to the attention of the Additional Parties, as identified in the Seventh Respondent’s solicitors’ letter dated 12 May 2020, shall constitute valid service of the Underlying Assets Application.
7. The Settlement Parties and/or the other parties to these proceedings (as appropriate) have permission to serve the following documents (including out of the jurisdiction insofar as necessary):
  - a. this Order;
  - b. the Underlying Assets Application;
  - c. any further documents in these proceedings; and

- d. the SFO's application (including evidence) for further restraint orders made by application notice dated 10 February 2020, on all parties to these proceedings by the alternative methods as set out respectively in Schedules 3A and 3B to this Order.
8. The Order shall be served by the Seventh Respondent on all parties by 4pm on 2 June 2020.
  9. The Settlement Parties shall also make available to all Additional Parties a link through which the existing statements of case in these proceedings can be downloaded.
  10. Any party to these proceedings wishing to change or update their details for the purposes of service should inform all other parties and the court of a replacement email address which can be used for the purposes of service. If a party fails to do so, service by the methods set out in Schedules 3A and 3B to this Order will continue to be valid.

### **Guillotine**

11. Pursuant to CPR r19.8A (and alternatively, so far as may be necessary, the inherent jurisdiction of the court), the Seventh Respondent on behalf of the Settlement Parties shall as soon as reasonably practicable procure that notice be published in the London Gazette and the Times newspaper in the form identified in Schedule 4 (the "**Notice**") and served on the persons and by the methods set out in Schedule 3C. The Seventh Respondent shall also take reasonable steps to ascertain whether the Notice can be published on appropriate websites as indicated in the Court's reserved judgment, and if so, additionally to advertise the Notice in that way.
12. Upon service and advertisement of the Notice, as provided for by paragraph 11 above, all non-parties to these proceedings, wherever situate, shall be bound by orders and judgments made by the Court in relation to the Underlying Assets Claims as if they had been a party to the claim.

13. All parties and non-parties (including those identified in paragraph 12 above) may apply to (i) have determined any proprietary claim or claim under the Criminal Justice Act 1988 (the “**1988 Act**”) in relation to the Identified Underlying Assets, or (ii) advance any argument they wish to make in relation to any such proprietary or 1988 Act claim. Any such application shall be made as soon as reasonably practicable, and in any event by 4pm on 3 July 2020, and shall be supported by a properly particularised statement of case identifying the relief which is sought and/or the argument which is sought to be raised (as applicable).
14. Save to the extent that any such application is granted, and subject to paragraph 16 below in the case of non-parties,
15. the said parties and non-parties shall be debarred from: (i) contending that they have a proprietary claim or claim under the 1988 Act in relation to the Identified Underlying Assets which takes priority to the claims advanced pursuant to paragraph 13; or (ii) otherwise challenging the Court’s judgments or orders in relation to the Identified Underlying Assets.
16. The requirements contained in CPR r19.8A are varied as provided for above. In particular, but without limitation:
  - a. the service and notice requirements contained in CPR r19.8A(4) be varied as provided for in paragraphs 11 and 12 above; and
  - b. the requirements for service and filing of an acknowledgment of service contained in CPR r19.8A shall be dispensed with.
17. There shall be liberty to apply in relation to paragraphs 11 to 14 above.

### **Other**

18. The application to join Casa Futura Mallorca SL and to bring the property known as Carrer Farrigola 2, 07181 Calvia, Illes Balears, Mallorca, Spain, registered at the Spanish Land Registry under title

number 07021000606774 within these proceedings as an Identified Underlying Asset is generally adjourned, with liberty to restore.

19. The application to join Mr Kevin Philbin and Mr Mark Williamson is generally adjourned on the terms set out in the separate order (made by consent) dated 19 May 2020.
20. The application to join By Corporate LLP (formerly Atticus Legal LLP):
  - a. is adjourned for a minimum of 56 days until the first available date thereafter; and
  - b. the costs of the application as against By Corporate LLP are reserved.
21. This order has been made without notice to Ms Alison Hollis under CPR r23.9. Ms Alison Hollis may apply under CPR r23.10 to set aside this order or have it varied, insofar as it joins her as a party to the proceedings and brings within these proceedings as an Identified Underlying Asset the proceeds of the leasehold of Flat 9, 54-57 Goodwood Court, Devonshire Street, London, W1W 5DZ, registered at HM Land Registry under title number NGL984402, of which she was the legal owner. Any such application must be made within 7 days of the service of this order upon her at the correspondence address provided by Dr Smith.
22. Save as set out in paragraph 19(b) above, costs in the case.

Dated: 20 May 2020

## **SCHEDULE 1: PARTIES TO BE JOINED TO THESE PROCEEDINGS**

1. Dr Imogen Smith
2. Ms Iona Smith
3. Ms Sinead Irving
4. Ms Alison Hollis
5. Mr Nicolas Greenstone and Mrs Patricia Greenstone
6. The companies owning the Hamilton House properties identified in Schedule 2 (under the control of the Enforcement Receivers), being (i) Graig Holdings Limited, (ii) Diversified Group Limited, (iii) Future Investments Limited, (iv) Blackwood Investments Limited, (v) Hamilton House Property Limited, (vi) Great Eastern Street Investments Limited, (vii) Dewr Holdings Limited, (viii) Mynydd Holdings Limited, (ix) Sarn Investments Limited, (x) Merch Holdings Limited, (xi) Bryanstone Square Investments Limited, (xii) Ingenuity Capital Limited, and (xiii) Hamilton House (Southampton Row) Management Limited



## **SCHEDULE 2: THE IDENTIFIED UNDERLYING ASSETS**

1. The leasehold property known as and situate at Flat 1 Hamilton House, 81 Southampton Row, London, WC1B 4HA (“**HH**”), registered at HM Land Registry under title number NGL270419 the legal owner of which is Ms Imogen Smith.
2. Flat 2 Hamilton House, 81 Southampton Row, London, WC1B 4NH (HM Land Registry title number: NGL550705), the legal owner of which is Graig Holdings Limited.
3. Flat 3 HH (HM Land Registry title number: NGL208408), the legal owner of which is Diversified Group Limited.
4. Flat 10 HH (HM Land Registry title number: NGL870810), the legal owner of which is Hamilton House Property Limited.
5. Flat 11 HH (HM Land Registry title number: NGL889218), the legal owner of which is Future Investments Limited.
6. Flat 12 HH (HM Land Registry title number: NGL930424), the legal owner of which is Blackwood Investments Limited.
7. Flat 14 HH (HM Land Registry title number: NGL835124), the legal owner of which is Hamilton House Property Limited.
8. Flat 17 HH (HM Land Registry title number: NGL219447), the legal owner of which is Great Eastern Street Investments Limited.
9. Flat 18 HH (HM Land Registry title number: NGL232204), the legal owner of which is Future Investments Limited.
10. Flat 19 HH (HM Land Registry title number: NGL219182), the legal owner of which is Dewr Holdings Limited.
11. Flat 20 HH (HM Land Registry title number: NGL850623) the legal owner of which is Mynydd Holdings Limited.
12. Flat 21 HH (HM Land Registry title number: NGL850622), the legal owner of which is Sarn Investments Limited.

13. Flat 22 HH (HM Land Registry title number: NGL209052), the legal owner of which is Merch Holdings Limited.
14. Flat 23 HH (HM Land Registry title number: NGL217637), the legal owner of which is Bryanstone Square Investments Limited.
15. Flat 24 HH (HM Land Registry title number: NGL217681), the legal owner of which is Ingenuity Capital Limited.
16. The head lease of HH, covering the first to fifth floors and known as 1-25 Hamilton House, Southampton Row, London, and registered at HM Land Registry under title number NGL303066, the legal owner of which is Hamilton House (Southampton Row) Management Limited.
17. The leasehold of Flat 4, 58/59 Montagu Square, London, W1H 2LS and the connected loft space registered at HM Land Registry under title numbers NGL710703 and NGL952082, the legal owner of which is Sinead Catherine Irving.
18. The 50% interest in the property known as 32 Moor Lane, Rickmansworth, WD3 1LG, registered at HM Land Registry under title number HD281 and purchased by Ms Sinead Irving on or around 7 August 2014.
19. The £500,028.80 paid into the client account of Atticus Legal LLP on or about 5 November 2014 (and its traceable proceeds), the legal owner of which is thought to be Mr Kevin Philbin and Mr Mark Williamson (as trustees).
20. The proceeds of the leasehold of Flat 9, 54-57 Goodwood Court, Devonshire Street, London, W1W 5DZ, registered at HM Land Registry under title number NGL984402, the legal owner of which was Alison Jane Hollis.
21. The right to payment, and all security granted in support, of the loan in the amount of approximately £1,080,000 made in about July 2014 to fund the purchase of the property known as Flat 19, Walham Court, 109-111 Haverstock Hill, London, NW3 4SD, registered at HM Land Registry

under title number NGL931346. The legal owner of the right to payment of the said loan and the said security is thought to be Dr Gail Cochrane (acting by the Viscount of the Royal Court of Jersey).

22. The diamond bracelet purchased by Dr Cochrane in about November 2014 from Graff Diamonds (Hong Kong) Limited for the sum of £217,022.74. The legal owner of this bracelet is thought to be Dr Gail Cochrane (acting by the Viscount of the Royal Court of Jersey).

23. The diamond earrings purchased by Dr Cochrane in about December 2014 from Graff Diamonds (Hong Kong) Limited for the sums of £75,022.97 and £71,022.97. The legal owners of these earrings are thought to be Dr Imogen Smith and Ms Iona Smith.

## **SCHEDULE 3: ADDRESSES FOR SERVICE**

### **3A: THE APPLICANTS AND RESPONDENTS**

<b>PARTY</b>	<b>EMAIL ADDRESS(ES)</b>
<b>Applicants</b>	
(1) THE SERIOUS FRAUD OFFICE	<ul style="list-style-type: none"><li>• Jacqueline.cramp@sfo.gov.uk</li><li>• IZO.Litigation@sfo.gov.uk</li><li>• Srikantharajah.Nereshraaj@sfo.gov.uk</li><li>• Stacey.Barnes@sfo.gov.uk</li></ul>
(2) MR JOHN MILSOM AND MR DAVID STANDISH	<ul style="list-style-type: none"><li>• smith.receivership@shlegal.com</li><li>• Max.Darke@shlegal.com</li></ul>
<b>RESPONDENTS</b>	
(1) LITIGATION CAPITAL LIMITED	Mark.Spragg@keystonelaw.co.uk
(2) SMA INVESTMENT HOLDINGS LIMITED	smith.receivership@shlegal.com
(3) MR ANTHONY SMITH	<ul style="list-style-type: none"><li>• Andrew.Cooke@hsf.com</li><li>• Christopher.Cox@hsf.com</li></ul>
(4) DR GAIL ALISON COCHRANE	gailacochrane@aol.com
(5) THE VISCOUNT OF THE ROYAL COURT OF JERSEY	<ul style="list-style-type: none"><li>• Judith.Hughes@addleshawgoddard.com</li><li>• Jean.Boldero@addleshawgoddard.com</li></ul>
(6) STEWARTS LAW LLP	<ul style="list-style-type: none"><li>• orblitigation@stewartslaw.com</li><li>• supson@stewartslaw.com</li><li>• sedwards@stewartslaw.com</li><li>• igatt@stewartslaw.com</li></ul>
(7) HARBOUR FUND II L.P.	<ul style="list-style-type: none"><li>• orbharcus@harcusparker.co.uk</li><li>• AZoubir@harcusparker.co.uk</li><li>• RSalek@harcusparker.co.uk</li></ul>

(8) PHOENIX GROUP FOUNDATION	<ul style="list-style-type: none"> <li>• phoenix-minardi@richardslade.com</li> <li>• lawrence.brown@richardslade.com</li> <li>• ian.pease@richardslade.com</li> <li>• richard.slade@richard-slade.com</li> </ul>
(9) MINARDI INVESTMENTS LIMITED	<ul style="list-style-type: none"> <li>• phoenix-minardi@richardslade.com</li> <li>• lawrence.brown@richardslade.com</li> <li>• ian.pease@richardslade.com</li> <li>• richard.slade@richard-slade.com</li> </ul>
(10) HE VISCOUNT OF THE ROYAL COURT OF JERSEY	<ul style="list-style-type: none"> <li>• Judith.Hughes@addleshawgoddard.com</li> <li>• Jean.Boldero@addleshawgoddard.com</li> </ul>
(11) HILIP BARTON	<ul style="list-style-type: none"> <li>• Graham.Small@jmw.co.uk</li> <li>• holly.tootill@jmw.co.uk</li> </ul>
(12) RB ESTATES PLC	<ul style="list-style-type: none"> <li>• james.russell@springlaw.co.uk</li> <li>• omh@springlaw.co.uk</li> </ul>
(13) ITRE PROPERTY MANAGEMENT LIMITED	<ul style="list-style-type: none"> <li>• james.russell@springlaw.co.uk</li> <li>• omh@springlaw.co.uk</li> </ul>
(14) OTEL PORTFOLIO II UK LIMITED	<ul style="list-style-type: none"> <li>• james.russell@springlaw.co.uk</li> <li>• omh@springlaw.co.uk</li> </ul>
(15) LRICH PELZ	<ul style="list-style-type: none"> <li>• ulrichpelz@googlemail.com</li> </ul>
(16) ICHOLAS THOMAS	<ul style="list-style-type: none"> <li>• maria.demetriou@stpaulssolicitors.com</li> <li>• andrew.crossley@stpaulssolicitors.com</li> </ul>

	<p>s.com</p> <ul style="list-style-type: none"> <li>• nickthomas2707@gmail.com</li> </ul>
(17) ROGER TAYLOR	<ul style="list-style-type: none"> <li>• maria.demetriou@stpaulssolicitors.com</li> <li>• andrew.crossley@stpaulssolicitors.com</li> <li>• roger@taylor-ch.com</li> </ul>
(18) RANEK SODZAWICZNY	<ul style="list-style-type: none"> <li>• fjslitigation@crsblaw.com</li> <li>• Stephanie.Duncan@crsblaw.com</li> <li>• Max.Davis@crsblaw.com</li> <li>• Rhys.Novak@crsblaw.com</li> </ul>
(19) AWNA MARIE STICKLER	sticklerdawna@gmail.com
(20) ERALD MARTIN SMITH	<ul style="list-style-type: none"> <li>• rsahota@berkeleylegal.co.uk</li> <li>• GSlitigation@pm.me</li> <li>• dgodden@berkeleylegal.co.uk</li> </ul>
(21) NICORN WORLDWIDE HOLDINGS LIMITED	<ul style="list-style-type: none"> <li>• UNICORNHFWTEAM@hfw.com</li> <li>• annabel.strutt@hfw.com</li> <li>• Neil.Chauhan@hfw.com</li> </ul>
(22) LEN MOAR PROPERTIES LIMITED	<ul style="list-style-type: none"> <li>• UNICORNHFWTEAM@hfw.com</li> <li>• annabel.strutt@hfw.com</li> <li>• Neil.Chauhan@hfw.com</li> </ul>
(23) ALLAUGH HOLDINGS LTD	<ul style="list-style-type: none"> <li>• UNICORNHFWTEAM@hfw.com</li> <li>• annabel.strutt@hfw.com</li> <li>• Neil.Chauhan@hfw.com</li> </ul>
(24) RIDGE PROPERTIES (ARENA CENTRAL) LTD	<ul style="list-style-type: none"> <li>• UNICORNHFWTEAM@hfw.com</li> <li>• annabel.strutt@hfw.com</li> <li>• Neil.Chauhan@hfw.com</li> </ul>
(25) PECIALTY FINANCE LTD	<ul style="list-style-type: none"> <li>• UNICORNHFWTEAM@hfw.com</li> <li>• annabel.strutt@hfw.com</li> <li>• Neil.Chauhan@hfw.com</li> </ul>



### 3B: THE ADDITIONAL PARTIES

<b>ADDITIONAL PARTY(IES)</b>	<b>ADDRESS(ES) FOR SERVICE</b>
Ms Imogen Smith	<ul style="list-style-type: none"> <li>• GSlitigation@pm.me</li> <li>• gailacochrane@aol.com</li> <li>• ionacsmith@hotmail.co.uk</li> </ul> Flat 37 Lowe House, 12 Hebden Place, London, SW8 2FT
Ms Iona Smith	<ul style="list-style-type: none"> <li>• GSlitigation@pm.me</li> <li>• gailacochrane@aol.com</li> <li>• ionacsmith@hotmail.co.uk</li> </ul> Flat 20, Hamilton House, 75-81 Southampton Row, London, WC1B 4HA
Ms Sinead Irving	<ul style="list-style-type: none"> <li>• Flat 4, 58/59 Montagu Square, London, W1H 2LS</li> <li>• sticklerdawna@gmail.com</li> <li>• 32 Moor Lane, Rickmansworth, WD3 1LG</li> </ul>
Ms Alison Hollis	<ul style="list-style-type: none"> <li>• alisonhollis77@icloud.com</li> <li>• 35 Himley Green, Leighton Buzzard, LU72 2PY</li> </ul>
Mr Nicolas Greenstone and Mrs Patricia Greenstone	<ul style="list-style-type: none"> <li>• ngreenstone@bartonbrown.com</li> <li>• Flat 19, Walham Court, 109-111 Haverstock Hill, London, NW3 4SD.</li> </ul>
The companies owning the Hamilton House properties identified in Schedule 2 (under the control of the Enforcement Receivers), being (i) Graig Holdings Limited, (ii) Diversified Group Limited, (iii) Future Investments Limited, (iv) Blackwood Investments Limited, (v) Hamilton House Property Limited, (vi) Great Eastern Street Investments Limited, (vii) Dewr Holdings Limited, (viii) Mynydd Holdings Limited, (ix) Sarn Investments Limited, (x) Merch Holdings Limited, (xi) Bryanstone Square Investments Limited, (xii) Ingenuity Capital Limited, and (xiii) Hamilton House (Southampton Row) Management Limited	<ul style="list-style-type: none"> <li>• smith.receivership@shlegal.com</li> <li>• GSlitigation@pm.me (Future Investments Limited)</li> <li>• ionacsmith@hotmail.co.uk (Dewr Holdings Limited and Mynydd Holdings Limited)</li> </ul>





### 3C: PERSONS TO BE SERVED WITH NOTICE

PERSONS	ADDRESS FOR SERVICE
Simon Cooper	<ul style="list-style-type: none"> <li>• sc@numbersevenpartners.com</li> <li>• scooper@odparts.com</li> </ul>
Simon McNally	sjm@numbersevenpartners.com
Anthony Stevens	<ul style="list-style-type: none"> <li>• aes@valutelecom.ch</li> <li>• richard.slade@richard-slade.com</li> </ul>
Andrew Ruhan	<ul style="list-style-type: none"> <li>• andy@ruhan.com</li> <li>• ajr@ruhan.com</li> <li>• Hannah.Catterall@fortunalaw.co.uk</li> </ul>
Grenda Invenstnets Ltd	aes@valutelecom.ch
Tania Jane Richardson-Ruhan	<ul style="list-style-type: none"> <li>• tjr111@outlook.com</li> <li>• holly.tootill@jmw.co.uk</li> </ul>
Santander UK Plc	2 Triton Square, Regent's Place, London, NW1 3AN
Dr Robert Morris	<ul style="list-style-type: none"> <li>• Flat 21 Hamilton House, 79-81 Southampton Row, London, WC1B 4HA;</li> <li>• c/o Mr Matthew Hennessy-Gibbs, Keystone Law, 48 Chancery Lane, London, WC2A 1JF (DX 193 Chancery Ln).</li> <li>• rob.morris@yahoo.co.uk</li> </ul>
Catherine Irving	<ul style="list-style-type: none"> <li>• 32 Moor Lane, Rickmansworth, WD3 1LG;</li> <li>• c/o Mr David Rosen, Darlingtons LLP, 7 Stratford Place, London, W1C 1AY (DX 42707 Oxford Circus North).</li> </ul>

**SCHEDULE 4: FORM OF NOTICE**

**IN THE HIGH COURT OF JUSTICE**

**BUSINESS AND PROPERTY COURTS OF ENGLAND & WALES**

**COMMERCIAL COURT (QBD)**

**CLAIM NO: CL-2017-000323**

**IN THE MATTER OF GERALD MARTIN SMITH**

**AND IN THE MATTER OF THE CRIMINAL JUSTICE ACT 1988**

**NOTICE OF CLAIM TO NON-PARTIES**

This Notice is served pursuant to the Order of Mr Justice Foxton dated 20 May 2020

TO: ALL NON-PARTIES TO THE ABOVE-MENTIONED PROCEEDINGS

TAKE NOTICE THAT:

- (1) Proceedings have been commenced in the Commercial Court (QBD) of the High Court of Justice, Business and Property Courts of England & Wales under Claim No CL-2017-000323 (the “**Claim**”). The Claim will determine proprietary claims and claims under the Criminal Justice Act 1988 which are advanced against the following assets (the “**Identified Underlying Assets**”):

	<b>IDENTIFIED UNDERLYING ASSET</b>	<b>DETAILS OF LEGAL OWNER (IF AVAILABLE)</b>
1	Flat 1 Hamilton House, 81 Southampton Row, London, WC1B 4HA (“HH”)	Ms Imogen Laura Smith
2	Flat 2 Hamilton House, 81 Southampton Row, London, WC1B 4NH	Graig Holdings Limited
3	Flat 3 HH	Diversified Group Limited
4	Flat 10 HH	Hamilton House Property Limited
5	Flat 11 HH	Future Investments Limited
6	Flat 12 HH	Blackwood Investments Limited
7	Flat 14 HH	Hamilton House Property Limited

8	Flat 17 HH	Great Eastern Street Investments Limited
9	Flat 18 HH	Future Investments Limited
10	Flat 19 HH	Dewr Holdings Limited
11	Flat 20 HH	Mynydd Holdings Limited
12	Flat 21 HH	Sarn Investments Limited
13	Flat 22 HH	Merch Holdings Limited
14	Flat 23 HH	Bryanstone Square Investments Limited
15	Flat 24 HH	Ingenuity Capital Limited
16	Leasehold HH	Hamilton House (Southampton Row) Management Limited
17	Flat 4, 58/59 Montagu Square, London, W1H 2LS	Ms Sinead Catherine Irving
18	32 Moor Lane, Rickmansworth, WD3 1LG	Ms Sinead Catherine Irving
19	£500,028.80 fund held on trust (and/or investment proceeds)	Mr Kevin Philbin and Mr Mark Williamson
20	Flat 9, 54-57 Goodwood Court, Devonshire Street, London, W1W 5DZ	Ms Alison Hollis
21	Flat 19 Walham Court, 109-111 Haverstock Hill, London, NW3 4SD	Mr Nicolas Greenstone and Mrs Patricia Greenstone
22	Dr Cochrane's Diamond Bracelet	Dr Cochrane (acting by the Viscount of the Royal Court of Jersey)
23	Diamond Earrings 1	Dr Imogen Laura Smith
24	Diamond Earrings 2	Ms Iona Smith

- (2) You are or may be one of the persons who are interested in the Identified Underlying Assets.
- (3) On 20 May 2020, Mr Justice Foxton gave directions in relation to how non-parties can assert an interest in the Identified Underlying Assets. You may, by 4pm on 3 July 2020, make an application to be joined to the Claim in order to make a proprietary claim or a claim under the Criminal Justice Act 1988 in relation to the Identified Underlying Assets, or to make any argument in relation to a claim asserted by any other party. Any such application shall be supported by a properly

particularised statement of case identifying the relief which is sought or the argument which is sought to be raised.

- (4) If you do not make such an application by 4pm on 3 July 2020, you will (i) be bound by orders and judgments made by the Court in relation to the Identified Underlying Assets, (ii) be debarred from contending that you have a proprietary claim or claim under the 1988 Act that takes priority to such claims as are established to the Identified Underlying Assets by persons who make applications by 3 July 2020, and (iii) be debarred from otherwise challenging the Court's judgments or orders in relation to such claims.
- (5) Further information in relation to the Claim (including the statements of case filed by all parties thereto) can be obtained by sending an email to [IZO.Litigation@sfo.gov.uk](mailto:IZO.Litigation@sfo.gov.uk) and [orbharcus@harcusparker.com](mailto:orbharcus@harcusparker.com).