



Claim No. HC-2015-001647 14 Jul 2023

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
BUSINESS LIST (ChD)

HC-2015-001647

Before Mr Justice Miles (sitting in private in part)
6 July 2023

BETWEEN:

KEA INVESTMENTS LIMITED

Applicant / Claimant

-and-

ERIC JOHN WATSON

Respondent / Defendant

-and-

FLADGATE LLP

Applicant / Intervening Party

PENAL NOTICE

IF YOU ERIC JOHN WATSON DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

CONFIDENTIALITY ORDER

UPON the application of the Claimant by application notice dated 29 March 2023 (“**the Application**”), for orders including orders relating to confidentiality of documents (“**the Confidentiality Application**”) supported by the 44th Witness Statement of Toby Graham dated 29 March 2023, the 45th

Witness Statement of Toby Graham dated 29 March 2023, the 47th Witness Statement of Toby Graham dated 2 June 2023, the 48th Witness Statement of Toby Graham dated 7 June 2023 and the 49th Witness Statement of Toby Graham dated 3 July 2023

AND UPON the application of the Intervening Party (“**Fladgate**”) by application notice dated 6 April 2023 for order relating to confidentiality of information (“**the Fladgate Confidentiality Application**”)

AND UPON the court by its Order dated 13 June 2023 (“**the June Confidentiality Order**”) having imposed restrictions to preserve the confidentiality of information contained in Confidential Exhibits TBMG46, TBMG47, TBMG48, TBMG49, TBMG50, TBMG54, TBMG55 and TBMG56, pages 548-566 of Confidential Exhibit TBMG57, and Confidential Exhibit TBMG58, by requiring them to be made available to the Defendant only on certain terms there set out, and by imposing temporary restriction on the means by which a non-party might obtain copies of them from the court

AND UPON the said documents having been offered to the Defendant on the terms of the June Confidentiality Order, though without any acknowledgement or request for them from the Defendant, either before or after their having been offered

AND UPON redacted versions of TBMG56 and TBMG57 having been served on the Defendant pursuant to a directions order of the court dated 13 June 2023 (“**the June Directions Order**”)

AND UPON the Judge having been satisfied that it was in the interests of justice to hold part of the hearing of the Application in private

AND UPON the Judge having been satisfied that it was appropriate to vary the definition of Confidential Documents and Confidential Information contained in the June Confidentiality Order

AND UPON HEARING Elizabeth Jones QC and David Drake for the Claimant, and David Mitchell for Fladgate, the Defendant not appearing

IT IS ORDERED AS FOLLOWS:

Confidentiality

1. In this Order, the following terms have the following meanings:
 - (a) The term “**the Confidential Documents**” refers to the Confidential Exhibits TBMG46, TBMG47, TBMG48, TBMG49, TBMG50, TBMG54, TBMG55, TBMG56, pages 548-566 of TBMG57 and Confidential Exhibit TBMG58, the Claimant’s skeleton argument for the hearing commencing on 4 July 2023, and any copies thereof.
 - (b) The term “**the Confidential Information**” refers to the confidential agreements that are reproduced in redacted form as Confidential Exhibits TBMG47, TBMG48, TBMG49 and TBMG50 and pages 548-565 of TBMG57, and information regarding the subject-matter referred to in paragraph 2, paragraph 9, the second and third sentences of paragraph 10, paragraph 11(a) to (c), and the nature and extent of the interests referred to in paragraph 12(a) of Confidential Exhibit TBMG46, and paragraphs 2 to 8 inclusive of Confidential Exhibit TBMG54, and the amount of the Fladgate Settlement Sum.
2. Until the conclusion of the hearing dealing with matters consequential on judgment in the Application, and subject to any further Order of the Court to the contrary, the provisions set out in paragraphs 3 to 6 of the June Confidentiality Order shall continue to apply, subject to:
 - (a) the definitions of Confidential Documents and Confidential Information being varied as set out above; and
 - (b) paragraph 6 of the June Confidentiality Order being varied so that any application notice required to be filed by that paragraph is to be served upon Kennedys Law LLP of 20 Fenchurch Street, London EC3M 3BY for Fladgate, as well as upon Farrer & Co of 66 Lincoln’s Inn Fields, London WC2A 3LH for the Claimant.
3. Whether or not any of the Confidential Documents or any other aspect of the Confidential Information has been read to or by the court or referred to during the course of any hearing of the Application in public, pursuant to CPR rr 31.22(2) and/or 3.1(2)(m), the Defendant shall not use

the Confidential Documents (including any versions of TBMG56 and TBMG57 which were served on him pursuant to the June Directions Order) other than for the purposes of these proceedings.

Responsibility for Service

4. There Claimant shall serve this Order on the Defendant and on Fladgate.

Service of this Order

The Court has provided sealed copies of this Order to the Claimant's solicitors, Farrer & Co, 66 Lincoln's Inn Fields, London WC2A 3LH ("**Farrer & Co**").