



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

**CAUSE NO: FSD 27 OF 2015 (ASCJ)  
CAUSE NO. FSD 60 OF 2015 (ASCJ)**

**IN THE MATTER OF THE COMPANIES LAW (2013 REVISION)**

**AND**

**IN THE MATTER OF CALEDONIAN GLOBAL FINANCIAL SERVICES INC. (IN LIQUIDATION) ("CGFSI")**

**AND**

**IN THE MATTER OF CALEDONIAN BANK LIMITED (IN OFFICIAL LIQUIDATION) ("CBL")**

**APPLICATION BY THE JOLs FOR SANCTION OF SETTLEMENT AGREEMENT WITH THE APPLEBY ENTITIES. MATTER TAKEN ON THE PAPERS**

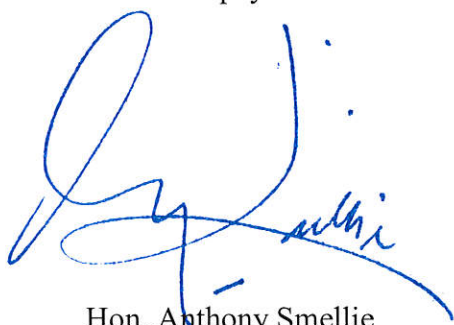
**BY THE HON. ANTHONY SMELLIE, CHIEF JUSTICE  
THE 20<sup>TH</sup> DAY OF MAY 2016**

**RULING**

1. Having read the JOLs' application by letter dated 15 April 2016 and the 5<sup>th</sup> Affidavit of Claire Loebell (one of the JOLs) in support of the application, I am satisfied that the Court's sanction of the Settlement Agreement with the Appleby Entities should be granted.
2. More particularly, I accept the JOLs' view that the terms of the Settlement Agreement represent an effective mechanism for the realisation of what is due to CGFSI and CBL under the Sale Agreement (earlier entered into with the Appleby Entities); under the

Asset Purchase Agreement (earlier entered into between the Appleby Entities and Caledonian Trust (IOU) (a subsidiary of CGFSI) and the Loan Agreement (earlier entered into between an Appleby Entity and CBL) and that the Settlement Agreement will benefit the estates of CGFSI, CBL and their creditors. Order accordingly in terms of the draft handed in (as amended to reflect the requirements of FSD Users Guide paragraph B1.1(e)).

3. The application is granted without prejudice to liability for payment of hearing fees.
4. In this regard, I note that I have seen a ruling of Justice Jones to the effect that where a matter is taken on the papers like this one, without the need for a hearing, it is unlawful to levy hearing fees. I am compelled to disagree.
4. In setting the fees, the Court Fees Rules prescribe them to cover “hearings” without defining the word. The Rules therefore do not preclude the inherent jurisdiction of the Court to determine its own procedure.
5. In taking this application on the papers without insisting upon oral arguments, I have determined as a matter of procedure that the “hearing” is conducted upon the consideration of the papers without the need for oral arguments and I have done so upon the application of the parties without any suggestion that the fees which would otherwise be payable should be waived.

A handwritten signature in blue ink, appearing to read 'Anthony Smellie', is written over a horizontal line.

Hon. Anthony Smellie  
Chief Justice