

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
SAINT LUCIA
COMMERCIAL DIVISION
CLAIM NO. SJDCM 8 1988

ORDER

UPON THE Application to Vary or Discharge the Order of the Court made on 20th November, 2018 filed herein by JP Services Corporation as interested creditor, coming on for hearing

AND UPON READING the said application, affidavits in support, in answer and in reply, along with the attendant exhibits and written submissions of the parties

AND UPON HEARING Counsels for the applicant, the petitioner, the Joint Provisional Liquidators and the interested creditors

AND UPON THE COURT making the following findings:-

(i) that the proceedings have been competently instituted on behalf of the petitioner company in accordance with paragraph 8 of the order of Kawaley J dated 11th September, 2018 and the terms set out in the special resolution of the sole shareholder of the petitioner company dated 5th October, 2018;

(ii) there is a strong prima facie case that a winding up order will be granted on the hearing of the petition;

(iii) the appointment of the Joint Provisional Liquidated was justified on account of real questions relating to the integrity of the company's management particularly in relation to the accounting and record-keeping function and the urgent need to preserve the assets of the company from dissipation, pending hearing of the petition;

(iv) that the Joint Provisional Liquidators acted with due competence and within the ambit of the court order in making commercially sensible decisions to curb incurrence of further liabilities and to protect the interest of all creditors and stakeholders of the company and

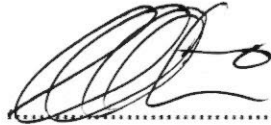
(v) that the applicant JP Services Corporation has not made out a case with respect to the issues canvassed, to warrant variation or discharge of the order

IT IS HEREBY ORDERED THAT

1. The application to vary or discharge the order of 20th November, 2018 is hereby dismissed.
 2. The applicant shall pay to the petitioner costs in the sum of \$4,000.00 within 21 days of the date of this order.
- 2018 day of the month of January 2019
- ENTERED

3. The applicant will draw file and serve this order.

Approved



Justice Cadie St. Rose-Albertini
14th January, 2019

BY THE COURT

REGISTRAR

The Court Office is at Jeremie, Castries, Saint Lucia, Telephone No. (758) 468-7500. The Office is open between 9:00 a.m. and 2:00 p.m., Mondays to Thursdays and 9:00 a.m. to 3:00 p.m. on Fridays except public holidays. The Office can also be contacted via Email at sluhco@eccourts.org