

**IN THE HIGH COURT OF JUSTICE  
CHANCERY DIVISION**

**Before Master**

**Dated this [•] day of [•] 2013**

**IN THE MATTER OF  
ENGLISH & AMERICAN INSURANCE COMPANY LIMITED**

**AND**

**IN THE MATTER OF THE TRUSTEE ACT 1925  
BETWEEN**

**(1) JOHN MITCHELL WARDROP  
(2) MICHAEL STEVEN WALKER**

Claimants

---

**DRAFT ORDER**

---

**UPON THE APPLICATION** of John Mitchell Wardrop and Michael Steven Walker (the "Trustees") pursuant to CPR Part 19.7

**AND UPON** reading the First Witness Statement of Giles Allison dated 13 May 2013 and the Second Witness Statement of Giles Allison dated [ ] 2013

[**AND UPON** hearing counsel for the Trustees]

**IT IS ORDERED** that:

1. The Institute of London Underwriters (the "ILU") or such other person(s) as the Court may direct be appointed as Representative Defendant to represent the interests of the Overlapping Beneficiaries, as defined in the Witness Statement of Mr Allison, in the

proceedings to be issued by the Trustees pursuant to section 57 of the Trustee Act 1925 (the "**Section 57 Application**").

2. As soon as practicable after issue of the Claim Form in the Section 57 Application the Trustees shall serve such Claim Form and its supporting evidence on the ILU.
3. The Trustees and the ILU shall seek the listing of the Section 57 Application before a Judge with a time estimate of half a day on the first available date convenient to all parties no less than 5 weeks after the date of this Order (the "**Hearing Date**").
4. The Claimants shall serve on the ILU and file with the Court their Skeleton Argument and bundles of authorities no less than 28 days before the Hearing Date.
5. The ILU shall serve on the Claimants and file with the Court their Skeleton Argument and bundle of additional authorities, if any, no less than 14 days before the Hearing Date.
6. The Claimants shall serve on the ILU and file with the Court any responsive Skeleton Argument and bundle of further authorities, if any, no less than 7 days before the Hearing Date.
7. The Claimants shall take the following further steps to provide notice of the Section 57 Application to those other persons, defined in the Witness Statement of Mr Allison as the "Beneficiaries", who are not parties to those proceedings but who may be affected by them:
  - 7.1 Notify the Beneficiaries of the Hearing Date by way publishing such information online at [www.englishandamericanpools.com](http://www.englishandamericanpools.com).
  - 7.2 Provide such copies of the Section 57 Application, supporting evidence and Skeleton Argument(s) of the Trustees and the ILU as any Beneficiary may request.