

**In the High Court of New Zealand
Auckland Registry**

**I Te Kōti Matua o Aotearoa
Tāmaki Makaurau Rohe**

CIV-2023-404-1803

Under Part 19 of the High Court Rules and Part 16 of the Companies Act 1993

In the matter of **Digital Asset Exchange Limited (in liquidation)**, a company having its registered office at 155 Queen Street, Auckland, 1010 and carrying on business as a cryptocurrency exchange

And

In the matter of an application by **David Ian Ruscoe** and **Malcolm Russell Moore** as liquidators of **Digital Asset Exchange Limited** for orders under the Companies Act 1993

Applicants

Orders under sections 255, 257 and 284 of the Companies Act
1993

Dated: ²⁴ August 2023



DUPLICATE

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Court orders under sections 255, 257 and 284 of the Companies Act 1993

Before the Honourable Justice Isac on 24th August 2023:

After reading the originating application without notice for orders under sections 255, 257 and 284 of the Companies Act 1993 ("**Act**") dated 18 August 2023, memorandum of counsel in support and the affidavit of Malcolm Russell Moore sworn 18 August 2023 this court orders:

1. the requirements under section 255(2)(c)(ii)(A) of the Act ("**Act**") and regulation 6(2)(a) of the Companies (Reporting by Insolvency Practitioners) Regulations 2020, are modified so that the liquidators' initial report will not include email addresses of creditors;
2. the requirements of section 255(2)(c)(ii) of the Act for the method by which the liquidators will send a notice, statement, report, accounts, or other documents to be sent to a shareholder, are modified such that:
 - (a) all statutory reports of the liquidators will be uploaded to the Companies Register page for Digital Asset Exchange Limited (**Dasset**);
 - (b) all statutory reports and all other communications with creditors or shareholders of Dasset as a group and updates of the liquidators will be uploaded to grantthornton.co.nz/DASSET/;
 - (c) for any notice, statement, report, accounts, or other document required to be sent to shareholders or creditors of Dasset, the liquidators will send an email to all known creditors and shareholders containing a link to the document hosted at grantthornton.co.nz/DASSET/; and
 - (d) for any creditors of Dasset for whom no email address is held, the documents will be posted to the last postal address provided by that person (if any);
3. the period for circulating the liquidators' initial report is extended until close of business on Monday 28 August 2023;
4. that this application may be made by originating application;



5. that these orders are made on the papers and without notice to any other person;
6. that the application and these sealed orders of the Court be sent to all creditors and shareholders of Dasset in the manner set out at 2(b)-(d) above;
7. that any creditor or shareholder of Dasset may apply to modify the orders of the Court by applying to the Court within 10 working days of the sealed orders being sent to that creditor or shareholder in accordance with 2(b)-(d) above;
8. that leave is reserved for the applicants to apply further in respect of any ancillary orders; and
9. that the solicitor-client costs of the application are an expense incurred by the applicants in carrying out their duties as liquidators.

DATED this 24 day of August 2023



A. T. Mitchell
(Deputy) Registrar

A.T. MITCHELL
Deputy Registrar
High Court
Auckland