

**THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
VIRGIN ISLANDS
COMMERCIAL DIVISION**

Claim No: BVIHC (COM) 10/2011
BVIHC (COM) 16/2011
BVIHC (COM) 18/2011
BVIHC (COM) 19/2011
BVIHC (COM) 55/2011

Between

Fairfield Sentry Limited (in Liquidation)

and

Applicant

**Atlantic Alternative Fund, Ltd
Loewen Global Fund Ltd
MWI Nominees Limited
Martello Nominees Limited
Lloyds TSB Bank plc**

Respondents

CONSENT ORDER

BEFORE: The Honourable Justice Edward Bannister QC

DATED: The day of March 2012

ENTERED: The day of March 2012

UPON the Applicant's Application dated 15 March 2012.

THE PARTIES HEREBY CONSENT to the following terms:

1. the proceedings be discontinued in full as against the Respondents;

2. if the Applicant successfully appeals the Order of the Honourable Justice Edward Bannister QC dated 16 September 2011 or the summary judgment Order dated 10 October 2011 (whether in the Court of Appeal or in the Privy Council), the Applicant be at liberty to re-issue the claims against the Respondents within 28 days after the date of the order allowing the appeal (or such further period as may be agreed between the parties);
3. in the event the claim is re-issued in accordance with paragraph 2 herein, the Respondents shall not raise any objection or defence to the re-issued claim only in respect of specific causes of action already pleaded in these claims and in respect of defences that had not accrued at the date of issue of each claim in relation to each respondent as follows: based upon any limitation, unless such objection or defence would have been available to the Respondents Atlantic Alternative Fund, Ltd as at 15 February 2011, Loewen Global Fund Ltd as at 4 March 2011, MWI Nominees Limited as at 11 March 2011, Martello Nominees Limited as at 11 March 2011 and Lloyds TSB Bank plc as at 12 May 2011;
4. in the event the claim is re-issued in accordance with paragraph 2 herein, the Respondents shall repay any costs paid to it by the Applicant on discontinuance and such costs shall then be treated as costs in the re-issued claim;
5. in relation to Martello Nominees Limited, in the event the claim is re-issued in accordance with paragraph b above, the re-issued claim shall not include any claims in respect of the redemption payments of US\$1,069,047.27 and US\$1,499,999.95 which are the subject of Claim No: BVIHC(COM) 15/2010 and the redemption payment of US\$700,001.19 which is the subject of Claim No: BVIHC(COM) 30/2010;
6. the Applicant pay each of the individual Respondent's costs, as agreed between the parties; and

7. the notice of discontinuance be posted on the website maintained by the Liquidator of the Applicant in respect of the liquidation of the same, being www.fairfieldsentry.com.

Signed by Joanna Dunne
FORBES HARE

Signed by Phillip Kite
HARNEY WESTWOOD
& RIEGIELS

BY THE COURT

REGISTRAR

Appman *

6/15/2010

27th March 2010

* Subject to no order in this
matter having been previously
sealed

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