

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
BUSINESS LIST (ChD)

MR JUSTICE MELLOR
16 JULY 2024

BETWEEN:



BL-2021-000313

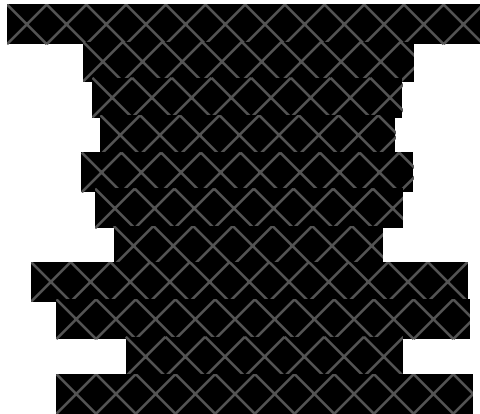
TULIP TRADING LIMITED

Claimant/First Respondent

and

(1) BITCOIN ASSOCIATION FOR BSV

Defendant



Defendants/Applicants D2-12

(13) ERIC LOMBROZO

(14) ROGER VER

Defendants

(15) AMAURY SÉCHET

(16) JASON COX

Defendants/Applicants D15 and D16

and

CRAIG STEVEN WRIGHT

Party for costs purposes/Second Respondent

ORDER

UPON (i) the Claimant having paid £212,417.75 into court as security for the Fifteenth and Sixteenth Defendants’ costs of these proceedings pursuant to the Orders of Mr Justice Mellor dated 13 October 2023 and 15 November 2023 (the “**D15/16 SFC Secured Funds**”) and (ii) Craig Steven Wright having paid £285,000 into Court as security for the Fifteenth and Sixteenth Defendants’ costs of these proceedings and costs of the Fifteenth and Sixteenth Defendants’ WFO Application (as defined below) (the “**D15/16 WFO Secured Funds**”) pursuant to the Worldwide Freezing Order of Mr Justice Mellor dated 1 May 2024 (the “**D15/16 WFO**”)

AND UPON the Claimant serving a Notice of Discontinuance on the Second to Twelfth and Fourteenth to Sixteenth Defendants, service being deemed to have taken place on 17 April 2024 (the “**Discontinuance**”)

AND UPON the Second to Twelfth Defendants’ applications dated 22 April 2024 (the “**Developers’ Applications**”) for orders that

- (i) the Second Respondent be joined to the proceedings for the purposes of a non-party costs order to be made against him;
- (ii) permission be granted to serve the Second Respondent outside the jurisdiction or via alternative service;
- (iii) TTL and Dr Wright pay the costs of the proceedings on the indemnity basis, to be assessed if not agreed;
- (iv) TTL and Dr Wright make an interim payment in the sum of £650,000;
- (v) the sums paid by way of security for costs be released, in partial discharge of the obligation to make an interim payment;
- (vi) TTL disclose its funding arrangements in these proceedings, if the costs payments are not made; and
- (vii) a worldwide freezing order and ancillary orders be made in respect of TTL and Dr Wright’s assets, in support of the Second to Twelfth Defendants’ costs of the proceedings

AND UPON the Court’s worldwide freezing order (the “**D2-12 WFO**”) made against the Respondents on 22 April 2024, subsequently varied on 24 April 2024

AND UPON the Court's further order of 22 April 2024 joining the Second Respondent as party to the proceedings for the purposes of costs only, granting permission for service out of the jurisdiction and/or via alternative service

AND UPON reading the Fifteenth and Sixteenth Defendants' application for a Worldwide Freezing Order to be made in respect of the Claimant's and Craig Steven Wright's assets dated 25 April 2024 (the "**D15/16 WFO Application**")

AND UPON reading the Fifteenth and Sixteenth Defendants' application for permission to serve Craig Steven Wright outside the jurisdiction or via alternative service dated 25 April 2024 (the "**Service Application**")

AND UPON reading the Fifteenth and Sixteenth Defendants' application regarding the costs of the proceedings dated 25 April 2024 (the "**Costs Application**")

AND UPON reading the First Affidavit of Samuel Charles Roberts sworn on 25 April 2024, the Fourth Witness Statement of Samuel Charles Roberts dated 30 May 2024 and the Fifth Witness Statement of Samuel Charles Roberts dated 3 June 2024

AND UPON the Order of Mr Justice Mellor dated 1 May 2024 granting permission to the Fifteenth and Sixteenth Defendants to serve Craig Steven Wright with the D15/16 WFO Application, the Court's Order and all other documents in these proceedings out of the jurisdiction and by alternative means

AND UPON the Order of Mr Justice Mellor dated 3 May 2024 providing that pursuant to CPR 37.3 and rule 22(1) of the Court Funds Rules 2011 the D15/16 SFC Secured Funds be paid to the Fifteenth and Sixteenth Defendants, by way of an interim payment on account of the Fifteenth and Sixteenth Defendants' costs of the proceedings

AND UPON the Respondents confirming on 3 May 2024 that a payment into court had been made pursuant to paragraph 13(a) of the D2-12 WFO (the "**D2-12 WFO Payment**") which, together with the security payment, are referred to herein as the "**D2-12 Payments**")

AND UPON the Court's order for directions of 7 May 2024 listing the remaining issues in the Second to Twelfth Defendants' application of 22 April 2024 for hearing on 14 May 2024

AND UPON the Respondents providing written confirmation that the payment into court had cleared, and the D2-12 WFO therefore ceased to have effect

AND UPON the Court vacating the hearing on 14 May 2024 and directing that the applications be heard together with submissions on the form of order following the Joint Trial in IL-2021-000019 and IL-2022-000069 (the “**Joint Trial**”)

AND UPON the Respondents reserving their position as to the costs of the D15/16 WFO Application and the Service Application

AND UPON the Respondents providing written confirmation on 3 June 2024 that the payment into court had cleared, and the D15/16 WFO therefore ceased to have effect

AND UPON the court listing the remaining issues in the D15/16 WFO Application, the Service Application and the Costs Application for a hearing on 7 June 2024

AND UPON hearing Alex Gunning KC and Philip Ahlquist for the Second to Twelfth Defendants on 7 June 2024, and hearing Rebecca Keating for the Fifteenth and Sixteenth Defendants and Adam Baradon KC for the Respondents at hearings on 1 May 2024, 7 June 2024 and 14 June 2024

AND UPON the Second to Twelfth Defendants and the Respondents agreeing terms as to certain orders for costs recorded in a consent order dated 19 June 2024, by which D2-D12’s WFO was discharged and the undertakings therein released

AND UPON the Respondents making payment pursuant to paragraph 4(b) of the consent order dated 19 June 2024 on 5 July 2024 and confirming on 25 June 2024 that the relevant instructions to the Court Funds Office had been given to release the remaining payments due to the Second to Twelfth Defendants

AND UPON the Court’s judgment handed down on 16 July 2024 with neutral citation [2024] EWHC 1809 (Ch)

IT IS ORDERED THAT:

Order that the claim is totally without merit.

1. The claim is certified as totally without merit.

The Fifteenth and Sixteenth Defendants' Costs of the Proceedings

2. The Respondents shall pay the Fifteenth and Sixteenth Defendants' costs of and occasioned by the proceedings, including before and after the date of Discontinuance, on the indemnity basis, to be the subject of detailed assessment if not agreed.
3. The Respondents shall make a further interim payment on account of the Fifteenth and Sixteenth Defendants' costs of the proceedings in the sum of £197,844.10.
4. In respect of interest on the costs of the proceedings incurred by the Fifteenth and Sixteenth Defendants, the Respondents shall pay:
 - (1) interest at a rate of Bank of England Base Rate + 1% from the date of payment of the relevant costs to the earlier of:
 - (a) payment of the relevant costs or the Fifteenth and Sixteenth Defendants' solicitors' receipt of an interim payment on account of the relevant costs (each interim payment being treated as discharging the longest-outstanding costs covered by the interim payment); and
 - (b) 27 days after service of the Fifteenth and Sixteenth Defendants' bill of costs; and
 - (2) from 28 days after service of the Fifteenth and Sixteenth Defendants' bill of costs, on any outstanding sum at the Judgment Act rate, currently being 8%.

The Fifteenth and Sixteenth Defendants' Costs of the D15/16 WFO Application, the Service Application and the Costs Application

5. The Respondents shall pay the Fifteenth and Sixteenth Defendants' costs of the D15/16 WFO Application, summarily assessed in the sum of £66,000.00.
6. The Respondents shall pay the Fifteenth and Sixteenth Defendants' costs of the Service Application, summarily assessed in the sum of £7,000.00.
7. The Respondents shall pay the Fifteenth and Sixteenth Defendants' costs of the Costs Application, summarily assessed in the sum of £88,000.00.

Payments to the Fifteenth and Sixteenth Defendants

8. In order to satisfy the sums owed by the Claimant and Craig Steven Wright to the Fifteenth and Sixteenth Defendants under paragraphs 3 to 7 above (the “**Total Payment Liability**”):

(1) Pursuant to CPR 37.3 and rule 22(1) of the Court Funds Rules 2011, the D15/16 WFO Secured Funds shall be paid to the Fifteenth and Sixteenth Defendants, and the sum paid shall be deducted from the Total Payment Liability; and

(2) The balance of the Total Payment Liability shall be paid to the Fifteenth and Sixteenth Defendants by 4.30pm on 30 July 2024.

9. Any sums deriving from the Respondents by reference to this claim which remain in court after the payments described in paragraphs 8(1) and 8(2) above shall be paid to the Respondents.

WFO discharge

10. The D15/16 WFO and the undertakings given therein are respectively discharged and released.

Application for Disclosure of Funders’ Details

11. The Second to Twelfth Defendants’ application for disclosure of funders’ details is dismissed.

12. The Fifteenth and Sixteenth Defendants have permission to apply on paper for an application for disclosure of funding arrangements in the event that the payment ordered at paragraph 8(2) is not made by the time specified at paragraph 8(2) of this Order.

Service of the Order

This Order shall be served by the Fifteenth and Sixteenth Defendants, via their solicitors Cooke, Young & Keidan LLP, on all other Parties and the Second Respondent.

The Court has provided a sealed copy of this order to the Serving party.