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**Jan 27 2025**

S.C. SUPREME COURT

# EXHIBIT B



Claim No. BL-2024-001337

BL-2024-001337

**IN THE HIGH COURT OF JUSTICE**

**BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES**

**BUSINESS LIST (CHD)**

**Before Mr Justice Mann, sitting in retirement**

**B E T W E E N:**

- (1) CAPE INTERMEDIATE HOLDINGS LIMITED  
(2) CAPE PLC (a company incorporated under the laws of Jersey)

**Claimants**

- and -

**PETER D. PROTOPAPAS**

**Defendant**

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**ORDER**

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UPON the application of the claimants for a payment on account of costs in an application notice dated 7<sup>th</sup> January 2025

AND UPON the claimant's application to have the matter dealt with on paper and for directions to be given accordingly

IT IS ORDERED

1. The defendant shall file and serve any evidence he wishes to file in response to the application by 4.30 pm GMT on Monday 27<sup>th</sup> January 2025.
2. The parties shall exchange and serve skeleton arguments by 4.30 pm GMT on Monday 3<sup>rd</sup> February 2025 and will further provide the same directly to the acting clerk to Sir Anthony Mann by email ([susan.woolley@justice.gov.uk](mailto:susan.woolley@justice.gov.uk)).
3. Subject to considering any observations to the contrary in the skeleton arguments, this matter will be dealt with on paper.

This order shall be served on the defendant by the claimants by 4.30 pm GMT on Monday 20<sup>th</sup> January.

#### **Reasons**

I was invited to give an indication that this matter would be dealt with on paper, and to give directions accordingly, in a letter to the court dated 7<sup>th</sup> January 2025 I was not able to deal with the matter until a time which was after some of the relevant dates had expired. In fairness to the defendant, should he want to participate in this activity, it is necessary to extend the timetabling proposed. This order does that. If it should transpire that reply material is needed then it will be necessary to extend the timetable further, but at the moment it is not necessary to provide for that.

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- and -

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**Defendant**

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**PENAL NOTICE**

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**IF YOU THE DEFENDANT DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED. ANY PERSON WHO KNOWS OF THIS ORDER AND DISOBEYS THIS ORDER OR DOES ANYTHING WHICH HELPS OR PERMITS ANY PERSON TO WHOM THIS ORDER APPLIES TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED**

Claim No. BL-2024 - 001337  
22 Nov 2024



BL-2024-001337

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

Before Mr Justice Mann, sitting in retirement

**B E T W E E N:**

- (1) CAPE INTERMEDIATE HOLDINGS LIMITED  
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**Claimants**

- and -

**PETER D. PROTOPAPAS**

**Defendant**

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**ORDER**

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**UPON THE CLAIM** of Cape Intermediate Holdings Limited (“**CIHL**”) and Cape plc (“**the Claimants**”) issued by Part 8 Claim Form on 6 September 2024

**AND UPON HEARING** Counsel for the Claimants, Mark Phillips KC, Derrick Dale KC, William Willson, Angus Groom and Louise Merrett

**AND UPON READING** the evidence, being the first witness statement of Ran Oren dated 6 September 2024 (“**Oren 1**”), the second witness statement of Ran Oren dated 8 November 2024 (“**Oren 2**”), the expert report of the Hon William W Wilkins dated 30 October 2024 (“**the Wilkins Report**”), the further expert report of the Hon William W Wilkins dated 11 November 2024 (“**the Supplemental Wilkins Report**”), the fifth witness statement of Paul Brehony dated 11 November 2024 (“**Brehony 5**”), the sixth witness statement of Paul Brehony dated 13 November 2024 (“**Brehony 6**”), and the seventh witness statement of Paul Brehony dated 21 November 2024 (“**Brehony 7**”)

**AND UPON** finding that the appointment of the Defendant as purported receiver of CIHL is not recognised by the laws of England and Wales (where CIHL is incorporated), because CIHL was not present in the state South Carolina at the date upon which the application for the appointment or the appointment was made and because CIHL has not submitted to the jurisdiction of that state

**IT IS DECLARED THAT**

1. The receivership order of the Court of Common Pleas for the Fifth Judicial Circuit of the State of South Carolina, County of Richland (“**the South Carolina Court**”) dated 16 March 2023 appointing Mr Peter Protopapas (“**Mr Protopapas**”) as a receiver over CIHL (“**the Receivership Order**”) is not recognised and has no legal effect in England and Wales and worldwide.
2. Mr Protopapas has and had no power or authority to act on behalf of CIHL in England and Wales or worldwide and has no power to or authority in respect of CIHL in England and Wales or worldwide to carry out the acts referred to in paragraph 6-10 below.
3. The rights and duties of the directors of CIHL remain unaffected by the appointment of Mr Protopapas as receiver of CIHL pursuant to the Receivership Order.
4. Mr Protopapas has and had no power or authority on behalf of CIHL to act for or to bind CIHL in the South Carolina Court in respect of Park Claim and the Tibbs Claim (as defined in Oren 1) and has and had no power or authority on behalf of CIHL to issue or pursue third party claims including in the Tibbs Claim against any of the third party defendants in those proceedings (“**the 3P Complaint**”), including (i) Mohed Altrad (ii) Altrad Investment Authority SAS (iii) Altrad UK Ltd (iv) Cape UK Holdings Newco Ltd (v) Cape Industrial Services Group Ltd (vi) Cape Holdco Ltd (vii) Altrad Services Ltd.
5. Mr Protopapas has and had no power or authority to accept service on behalf of CIHL in the claim brought in the South Carolina Court by a summons dated 11 November 2024 with claim number C/A NO. 2024-CP-40-06639 or any other legal proceedings issued against CIHL in the South Carolina Court or worldwide.

**AND IT IS ORDERED THAT:**

6. Mr Protopapas be restrained in England and Wales and worldwide from acting or purporting to act as agent or otherwise on behalf of CIHL pursuant to the Receivership Order.
7. Mr Protopapas be restrained in England and Wales and worldwide from appropriating, interfering with or usurping (in any way whatsoever) the lawful exercise of the rights and duties of the directors of CIHL.
8. Mr Protopapas be restrained from acting or purporting to act on behalf of CIHL in the Park Claim and the Tibbs Claim (as defined in Oren 1).
9. Mr Protopapas be restrained from continuing to prosecute the 3P Complaint (as defined in Oren 1).
10. Mr Protopapas be restrained from purporting to act for CIHL in the claim brought in the South Carolina Court by a summons dated 11 November 2024 and with claim number C/A NO. 2024-CP-40-06639 or in any other legal proceedings issued against CIHL in the South Carolina Court or worldwide.

**Liberty to Apply**

11. The Claimants shall have liberty to apply for further or related relief.

**Costs**

12. The Claimants' costs be paid by the Defendant on the standard basis, to be a matter of detailed assessment if not agreed.
13. The Claimants shall have liberty to apply for an interim payment on account of costs.

**Service of this Order**

This order shall be served by the Claimants on the Defendant.

The court has provided a sealed copy of this order to the serving party, Signature Litigation LL, 138 Fetter Lane, London, EC4A 1BT.

22 November 2024



Claim No. BL-2024-001337

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**IN THE HIGH COURT OF JUSTICE**

**BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES**

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Before Mr Justice Mann, sitting in retirement

**B E T W E E N:**

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**Claimants**

- and -

**PETER D. PROTOPAPAS**

**Defendant**

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**ORDER**

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**UPON THE CLAIM** of Cape Intermediate Holdings Limited (“**CIHL**”) and Cape plc (“**the Claimants**”) issued against the Defendant, Peter D Protopapas (“**Mr Protopapas**”), by Part 8 Claim Form on 6 September 2024

**AND UPON** judgment in the claim having been handed down by Mr Justice Mann, sitting in retirement (“**Mr Justice Mann**”), on 22 November 2024

**AND UPON** Mr Justice Mann having made declarations in relation to the Defendant’s status and authority over CIHL and injunctions restraining the Defendant from taking certain specified actions in relation to (or purportedly in relation to) CIHL (the “**22 November Order**”)

**AND UPON** the application of the Claimants dated 11 December 2024 under the liberty to apply provision at paragraph 11 of the 22 November Order, seeking a declaration in relation to filings made by the Defendant in the courts of South Carolina on 6 December 2024 and further injunctive relief (the “**Application**”)

**AND UPON READING** the further evidence, being the third witness statement of Ran Oren dated 11 December 2024 (“**Oren 3**”), which describes further steps taken by Mr Protopapas in the third-party claim issued by Mr Protopapas in the Tibbs Claim (as defined in Oren 1, the “**3P Complaint**”)

**AND UPON HEARING** counsel for the Claimants, Mr Derrick Dale KC

**IT IS DECLARED THAT**

1. Mr Protopapas’ filings in the courts of South Carolina on 27 November 2024 (as described in Oren 3) were made without any authority to act on behalf of CIHL.
2. Mr Protopapas’ filings in the courts of South Carolina on 6 December 2024 (as described in Oren 3) were made without any authority to act on behalf of CIHL.
3. The court declines to grant the further relief sought at this hearing.

**AND IT IS ORDERED THAT**

4. There will be no order as to costs.
5. Mr Protopapas may, within 7 days after the date on which this order is served on him, apply on notice to set aside or vary this order.

**Service of this Order**

The Claimants shall serve a copy of this order and of the Application on Mr Protopapas.

The court has provided a sealed copy of this order to the serving party, Signature Litigation LLP, 138 Fetter Lane, London, EC4A 1BT.

13<sup>th</sup> December 2024