

IN THE HIGH COURT OF JUSTICE

Case No. HC13C05520

CHANCERY DIVISION

IN THE MATTER OF DOVE TRUST (Charity No. 287401)

AND IN THE MATTER OF AN APPLICATION FOR DIRECTIONS PURSUANT TO
SECTION 78 OF THE CHARITIES ACT 2011

Before Deputy Master Nurse

Dated 20 March 2014

BETWEEN:

THE CHARITY COMMISSION



Claimant

-v-

(1) PESH FRAMJEE

(the interim manager of Dove Trust appointed pursuant to section 76 of the Charities Act 2011)

(2) BRYAN GUNN

(3) DONNA NAGHSHINEH

(4) KEITH COLMAN

(5) PETER FARLEY

Defendants

ORDER

UPON the Part 8 Claim of the Claimant (the "Commission") issued on 22 December 2013 (the "Claim")

AND UPON reading the letters dated 19 March 2014 from the Fourth Defendant's Solicitors to the Commission and from the First Defendant to the Court

AND UPON the Second and Third Defendants having acknowledged service stating that they do not intend to contest the claim

AND UPON the Fifth Defendant having acknowledged service and filed and served a witness statement and by letter to the Court dated 19 March 2014 stated that he does not intend to contest the claim

AND UPON reading the evidence filed

AND UPON hearing Counsel for the Commission, a Solicitor for the Fourth Defendant and the Third and Fifth Defendants in person

IT IS ORDERED THAT:-

- (1) The First Defendant ("**the Interim Manager**") shall ensure that all potentially interested parties have the opportunity to file evidence by posting the deadline for filing evidence provided for by paragraph 3, below, the Commission's address for service, the claim form dated 22 December 2013, and this Order prominently on the website known as www.charitygiving.co.uk ("**the Website**") as soon as reasonably practicable. Further, the Interim Manager shall give notice of the Claim and the directions given by this Order to trade creditors of the Dove Trust by sending (where contact details are reasonably available to the Interim Manager) the claim form and this Order to those creditors.
- (2) The Defendants shall (if so advised) file and serve evidence in answer to the claim by 4pm on 23 April 2014.
- (3) Any person not a party to these proceedings may file and serve evidence in connection with the Claim by sending the same to the Charity Commission, PO Box 1227, Liverpool L69 3UG or by emailing such evidence (by email with the subject line "Dove Trust Evidence") to the email address litigationandreview@charitycommission.gsi.gov.uk by 4pm on 23 April 2014. For the avoidance of doubt, such evidence should not simply repeat factual matters referred to in the witness statement of Amy Spiller dated 20 December 2013 (a copy of which may be requested from the Charity Commission).
- (4) Any person not currently a party to the proceedings who seeks to be heard on the Claim should file and serve on every other party an application in Form N244 to be joined to the proceedings by 4pm on 1 May 2014. Such applications shall (insofar as they are contentious) be determined at the commencement of the hearing provided for in paragraph 6, below.
- (5) The Commission and Fourth Defendant shall (if so advised) file evidence in reply by 4pm on 8 May 2014.
- (6) The trial of the claim shall take place between 1 June and 31 October 2014 (the "trial window").

- (7) The claimant shall make an appointment to attend on the Listing Officer (The Rolls Building, 7 Rolls Buildings, Fetter Lane, London EC4A 1NL; Tel. 020 7947 6690; Fax No 0870 739 5869; email rcjchancery.judgeslisting@hmcts.gsi.gov.uk) to fix a trial date within the trial window, such appointment to be not later than 30 April 2014 and give notice of that appointment to the First and Fourth Defendants. The claim be entered in the general list, with a category of B, with a time estimate of one day.
- (8) Not earlier than 7 days or later than 3 days before the date fixed for trial the Claimant shall file with the Chancery Listing Office a trial bundle for the use of the Judge in accordance with Appendix 6 of the Chancery Guide.
- (9) Skeleton arguments and chronologies shall be filed not less than 2 clear days before the date fixed for trial in accordance with Appendix 7 of the Chancery Guide.
- (10) Subject to further Order, any judgment, declaration or order made on this claim shall bind all parties potentially interested in the funds and assets currently held by the Dove Trust or the Interim Manager.
- (11) Costs in the claim (with the parties' rights to apply for an order that the said costs be paid from the funds and assets held by the Dove Trust and/or Interim Manager in priority to any distribution reserved).
- (12) Liberty to apply.

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The Court sent this Order and sealed copies for service to:

Litigation Department, Charity Commission,

PO Box 1227,

Liverpool,

L69 3UG

litigationandreview@charitycommission.gsi.gov.uk

This Order was sealed by Patrick Dick
Chancery Associate (Tel: 020 7947 6322) to whom all enquiries
regarding this Order should be made between the hours 9.00-10.15am
and after 4.15pm. When corresponding with the Court please address
forms or letters to: The Court Manager
Chancery Chambers, 7 Rolls Building, Royal Courts of Justice,
Fetter Lane, London, EC4A 3DF and quote the case number.