

**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

NO. CIV-2020-404-125

UNDER

Section 32 of the Receiverships Act 1993

IN THE MATTER OF

**PICKMEE FRUIT COMPANY LIMITED (IN
RECEIVERSHIP), SUNFRUIT PACK AND COOL
(HAWKES BAY) LIMITED (IN RECEIVERSHIP), and
SUNFRUIT PACK AND COOL LIMITED (IN
RECEIVERSHIP)**

BETWEEN

**ANDREW JOHN MCKAY AND ANDREW JAMES
BETHELL** Insolvency Practitioners, of BDO Auckland,
Level 4, BDO Centre, 4 Graham Street, Auckland 1010

Applicants

ORDERS UNDER SECTION 32 OF THE RECEIVERSHIPS ACT 1993

Dated: 22 April 2020



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To: PICKMEE FRUIT COMPANY LIMITED (IN RECEIVERSHIP),
SUNFRUIT PACK AND COOL (HAWKES BAY) LIMITED (IN
RECEIVERSHIP), and SUNFRUIT PACK AND COOL LIMITED (IN
RECEIVERSHIP)

1. The interlocutory application without notice made by Andrew John McKay and Andrew James Bethell (**Receivers**) as receivers of Pickmee Fruit Company Limited (In Receivership), Sunfruit Pack and Cool (Hawkes Bay) Limited (In Receivership), and Sunfruit Pack and Cool Limited (In Receivership) (together, **Companies**) on 20 April 2020 was determined by His Honour Justice Jagose on 22 April 2020.

2. The determination was made upon reading:

- (a) the Receivers' interlocutory application without notice for orders under s 32 of the Receiverships Act 1993 (**Act**), dated 20 April 2020;
- (b) the affidavit of Andrew John McKay in support of the Receivers' interlocutory application without notice, dated 20 April 2020; and
- (c) the memorandum of counsel for the Receivers, dated 20 April 2020.

3. The following orders were made:

- (a) leave is granted that this application may be determined on a without notice basis;
- (b) the period under s 32(1)(b) of the Act within which notice of termination of pre-receivership employment agreements is required to be given by the applicants to the Companies' employees (**Employees**) is extended to 28 October 2020;
- (c) notice of these orders is to be given to each Employee by:



- (i) emailing a copy to the Employee's email address by which the Companies normally communicate with that Employee;
- (ii) where an email address for an Employee is not known, or at the Employee's request, by posting a copy to the physical address by which the Companies normally communicate with that Employee;
- (iii) posting a copy of the orders on the applicants' website at <https://www.bdo.nz/en-nz/sunfruit-group-%E2%80%93-receivers/administrators>
- (d) leave is granted to any Employee to apply on notice to modify or discharge these orders; and
- (e) the applicants be granted leave to apply without notice to the Court for further orders or amendments to any orders made.

Dated:

22 April 2020

Signature:



(Deputy) Registrar

Sealed:

Deputy Registrar
High Court
Auckland

