



CLAIM NO: FL-2020-000018

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
COMMERCIAL COURT (QBD)
FINANCIAL LIST
FINANCIAL MARKETS TEST CASE SCHEME

FL-2020-000018

BEFORE: Lord Justice Flaux and Mr Justice Butcher

DATED: 2 October 2020

BETWEEN

THE FINANCIAL CONDUCT AUTHORITY

Claimant

-and-

- (1) ARCH INSURANCE (UK) LIMITED**
- (2) ARGENTA SYNDICATE MANAGEMENT LIMITED**
- (3) ECCLESIASTICAL INSURANCE OFFICE PLC**
- (4) HISCOX INSURANCE COMPANY LIMITED**
- (5) MS AMLIN UNDERWRITING LIMITED**
- (6) QBE UK LIMITED**
- (7) ROYAL & SUN ALLIANCE INSURANCE PLC**
- (8) ZURICH INSURANCE PLC**

Defendants

- (1) HOSPITALITY INSURANCE GROUP
ACTION**
- (2) HISCOX ACTION GROUP**

Interveners

ORDER

UPON the trial of the claim on 20-23 and 27-30 July 2020

AND UPON Judgment being handed down on 15 September 2020

AND UPON the Court considering the draft grounds of appeal referred to in the application notices, continuation sheets, witness statements and/or exhibits of the parties dated 28 September 2020

AND UPON the Court's declarations being reflected in a separate Order of the same date as this Order

IT IS ORDERED THAT:

Leapfrog Certificates

1. It is hereby certified, for the purposes of section 12(1) of the Administration of Justice Act 1969 ('the Act'), that each of the alternative conditions in section 12(3A) of the Act is satisfied and there is a sufficient case for an appeal to the Supreme Court under Part II of the Act to justify an application for leave to bring such an appeal, in respect of those parties identified in paragraph 2 below.
2. The parties referred to in paragraph 1 are above:
 - 2.1. The Claimant,
 - 2.2. The First, Second, Fourth, Fifth, Sixth and Seventh Defendants, and
 - 2.3. The Hiscox Action Group.

Permission to appeal to the Court of Appeal

3. Permission to appeal to the Court of Appeal is granted to the following parties in respect of the draft grounds of appeal referred to in the application notices, continuation sheets, witness statements and exhibits dated 28 September 2020:
 - 3.1. The parties referred to in paragraph 2 above, and
 - 3.2. The Third Defendant (in respect of its grounds of cross-appeal).
4. Time for filing any Appellant's Notice pursuant to CPR Part 52.12(2) (if applicable) be extended until 14 days after (1) the determination of any application made pursuant to section 13(1) of the Act or (2) (where no such application is made) the expiry of the period for making any such application.

The QEL Application

5. The application of QIC Europe Limited dated 28 September 2020 (the "**QEL Application**") is dismissed.

Costs

6. QIC Europe Limited shall pay the costs of the Claimant, each of the Defendants and the Interveners occasioned by the QEL Application, to be assessed if not agreed.
7. Save as aforesaid, there be no order as to costs.