

Application Notice

You should provide this information for listing the application

1. How do you wish to have your application dealt with

a) at a hearing? } *complete all questions below*

b) at a telephone conference? }

c) without a hearing? *complete Qs 5 and 6 below*

2. Give a time estimate for the hearing/conference
 2 _____ (hours) _____ (mins)

3. Is this agreed by all parties? Yes No

4. Give dates of any trial period or fixed trial date _____

5. Level of judge Companies Court Registrar

6. Parties to be served Claimants and all Defendants/Respondents

In the High Court of Justice Chancery Division, Companies Court	
Claim no.	146 of 2002
Warrant no. <small>(if applicable)</small>	
Claimant <small>(including ref.)</small>	Michael Vincent McLoughlin and Allan Watson Graham: The Joint Administrators of EDI Realisations Ltd
Defendant(s) <small>(including ref.)</small>	(1) HM Revenue and Customs (2) Newscreen Media Group Ltd (3) Think Entertainment plc (4) Christopher Andrew Jones
Date	27th February 2008

Note You must complete Parts A and B, and Part C if applicable. Send any relevant fee and the completed application to the court with any draft order, witness statement or other evidence; and sufficient copies for service on each respondent.

Part A

1. Enter your full name, or name of solicitor
 I (We)⁽¹⁾ Mark Gregory Hardy

(on behalf of) ~~(the claimant)~~ ^{THIRD} (the defendant/respondent)

2. State clearly what order you are seeking and if possible attach a draft
 I intend to apply for an order ~~(a draft of which is attached)~~ that⁽²⁾
 the prior orders of the Court in this cause be set aside or varied and the Applicants be directed to pay the monies the subject of the application and interest thereon at 8% into Court forthwith, and they do pay the costs of the Third Respondent to date, because⁽³⁾

3. Briefly set out why you are seeking the order. Include the material facts on which you rely, identifying any rule or statutory provision
 the applicants at all relevant times deliberately withheld relevant and fundamental evidence from the Court and the Third Respondent that, if produced at the time and in accordance with the Civil Procedure Rules, would have shown the orders they both sought and obtained to be wholly contrary to the fundamental principles of justice and its administration.

Part B

I ~~(We)~~ wish to rely on: *tick one box*

the attached (witness statement)(affidavit) my statement of case

evidence in Part C in support of my application

4. If you are not already a party to the proceedings, you must provide an address for service of documents

Signed


 (Applicant)(s Solicitor)(s litigation friend)

Position or office held

(if signing on behalf of firm or company)

By Power of Attorney

Address to which documents about this claim should be sent (including reference if appropriate)⁽⁴⁾

THINK ENTERTAINMENT plc c/o Mark G. Hardy 3 St. Mary's Square Bury St. Edmunds Suffolk Tel. no. 078 5599 5228	if applicable	
	fax no.	
	DX no.	
	e-mail	thinkplc@gmail.com
Postcode	IP33 2AJ	

The court office at

is open from 10am to 4pm Monday to Friday. When corresponding with the court please address forms or letters to the Court Manager and quote the claim number.

I ~~We~~ wish to rely on the following evidence in support of this application:

All witness statements filed in the proceedings to date, and in particular pages 2 to 18 of Exhibit MJW2 to the Witness statement of Mark Wood filed sworn on November 13th 2007.

Prior to receipt of that affidavit the Court and the Third Respondent were completely unaware of the claims of the Applicants that "£356,000 of funds injected into the Group have been ring fenced for the benefit of [the First Respondent]". The Third Respondent is neither a creditor nor direct shareholder of EDI Realisations Ltd and did not receive copies of any Reports to Creditors

If that statement had been true, and it was so represented as being true by the Applicants to all the creditors from early 2003 onwards, then the First Respondent would already have been paid in full and all surplus monies arising from the CVA would have been timeously repaid in accordance with the clear and unequivocal contractual provisions of the CVA. The application of March 2006 could not and should not ever have been made.

By their original application, the applicants sought and obtained an order providing for improper pecuniary advantage and unjust enrichment for themselves, their solicitors and counsel by deliberately withholding information from the Court and the Third Respondent, as they were the very people who now aver that the First Respondent should have been paid from "ring fenced" monies but sought remuneration to investigate the ownership of the monies that somehow had become "Un"ring-fenced.

The matter is further complicated because the solicitors acting for the Applicants were not only solicitors to the group of companies in administration, but became solicitors to the administrators, solicitors to the liquidator of the Second Respondent and are a creditor of the Second Respondent, the beneficiary of a disputed indemnity from the Third Respondent, and a direct beneficiary of the CVA.

Such conflicts of interest are wholly contrary to the principles of natural justice and when information is directly and deliberately withheld from the Court and the Respondents in order to obtain remuneration whilst acting as Officers of the Court, it is both outrageous and should be stopped and punished as soon as it becomes known, and all monies and interest thereon at 8% be paid into court forthwith and costs be reimbursed to the Respondents.

On February 1st 2008 the Litigation Department of the Royal Bank of Scotland wrote to me in connection with my attempts to trace £322,000 supposedly held by them Escrow and long overdue for repayment, stating that the Applicants had advised them that they held the money and that in accordance with "normal practice" they had paid the monies into Court in the EDI proceedings. The Court record shows that not to be true, and a wrongful transfer in any event even if it were true. I believe that the Court should be advised and aware that a separate Statement of Claim has been filed against Royal Bank of Scotland and the Supervisors of the CVA in the Chancery Division of the High Court immediately prior to the making of this application seeking repayment of the Escrow monies and damages for professional negligence, albeit the claim remains unserved whilst the pre-action protocol relating to claims for professional negligence are complied with.

If the Orders of the Court are nevertheless allowed to stand, the Applicants and the First and Second Respondents having failed to comply with the Order of the Court in relation to timeous notification of an agreed assessor and timetable for determining the applicants and their solicitors remuneration, and having refused entry to the Third Respondent from the face to face discussions relating to that matter held in Nottingham on February 25th 2008 at the offices of Eversheds LLP, the Third Respondent seeks an urgent order of the Court that the matter be referred immediately to a specialist Taxing Judge of the High Court in the interests of the impartial and proper administration of justice.

Statement of Truth

*(I believe) *~~(The applicant believes)~~ that the facts stated in Part C are true

**delete as appropriate*

Signed



(Applicant)(’s Solicitor)(’s litigation friend)

Position or office held

(if signing on behalf of firm or company)

By Power of Attorney

Date