

**IN THE COURT OF APPEAL (CIVIL DIVISION)**  
**ON APPEAL FROM THE HIGH COURT OF JUSTICE**  
**BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES**  
**QUEEN'S BENCH DIVISION**  
**COMMERCIAL COURT**  
**Mr Justice Robin Knowles CBE**  
**[2021] EWHC 2720 (Comm)**

CDE

**Appellants**

-and-

NOP

**Respondents**

---

**ORDER**

---

**UPON** the Appellants' Appeal

**AND UPON** hearing from Leading Counsel for the Appellants and Leading Counsel for the Respondent

**IT IS ORDERED THAT:**

1. Save that paragraph 2 of Mr Justice Robin Knowles CBE's order sealed on 6 August 2021 ("**the Order**") is set aside, the appeal is dismissed.
2. Paragraph 2 of the Order shall be replaced with the following: "*if the Defendants or X Co wish the privity application to be heard in private they must issue an application accordingly, and that application shall be dealt with by the judge hearing the privity application and shall be determined in accordance with the provisions of CPR 39.2.*"
3. The Appellants shall pay the Respondents' costs of the Appeal, which shall be subject to detailed assessment on the standard basis if not agreed.