

28 July 2026

Gilbert Walker Lawyers
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For: Martin Smith / Sean Coupe

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Dear Colleagues,

CIV-2026-404-1264 Digital Holdings (2017) Limited & Ors v BDO Auckland & Ors

1. We are instructed to file a notice of discontinuance against BDO Auckland Limited. It is attached.
2. Please also see attached a reply to the statement of defence. It caters for the discontinuance.
3. We refer to our letter of 21 July 2026 concerning the defendants' initial disclosure.
4. The defendants have not provided copies of the documents listed in their affidavit of initial disclosure. The reason advanced is that the documents ought not to be provided without an undertaking from the plaintiffs' solicitors that the documents will not be made available to Mr Jaques.
5. In our letter of 21 July 2026, we explained why that position is incorrect. We do not repeat that explanation here. The defendants' decision to withhold the documents cannot be justified.
6. Your clients are requested to provide copies of their initial disclosure documents to this firm by 4.00 pm on Friday, 31 July 2026. If this does not occur (and see below confirmation of the earlier proposal), our clients will make an application to the court for direction that the documents be provided. That shall be framed as an interlocutory application for orders as to discovery.
7. Our clients maintain their proposal that, following provision of the documents, this firm will not make the documents available to Mr Jaques for a period of two working days, to afford your clients the opportunity to make an application to the Court.

Yours faithfully

COWAN LAW



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CC. Steve Keall, Barrister