From: Sean Coupe <Sean.Coupe@gilbertwalker.com>
Sent: Thursday, 5 November 2026 10:03 am
To: Doug Cowan <doug.cowan@cowanlaw.co.nz>
Cc: Martin Smith <Martin.Smith@gilbertwalker.com>; Steve Keall <stevekeall@stevekeall.com>; Jose San Diego <jose.sandiego@cowanlaw.co.nz>
Subject: CIV-2026-404-1264 Digital Holdings (2017) Limited & Ors v BDO Auckland Limited & Ors

Dear Doug,

We refer to Mr Jaques' undertaking provided to us on 20 August 2026.

We have previously been required to raise with you Mr Jaques' non-compliance with his undertaking (our emails of 4 September and 10 September 2026). For this reason, our email serving our clients' the witness statements yesterday noted, "the documents refer to documents subject to Mr Jaques' undertaking (and the usual restrictions under r 8.30).".

Despite his undertaking and this email, Mr Jaques has published BDO Auckland's witness statements served yesterday on his website without redaction. He has also published a copy of our service email, which confirms that he was aware that the witness statements refer to documents subject to his undertaking.

Mr Jaques' repeated disregard for his undertaking is a serious concern. We require Mr Jaques to immediately remove the witness statements from his website. Given the repeated conduct, our clients may be required to raise this matter with the Court.

Regards,

Sean Coupe
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