



NEUTRAL CITATION NUMBER: [2026] CIGC (FSD) 69

IN THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CAUSE NO. FSD 186 OF 2026 (DDJ)

IN THE MATTER OF AN APPLICATION FOR NORWICH PHARMACAL RELIEF
AND IN THE MATTER OF SECTION 11A OF THE GRAND COURT ACT (2026 REVISION)

BETWEEN:

(1) KUSHKI GROUP HOLDINGS, LTD
(2) KUSHKI S. DE R.L. DE C.V.
(3) POCKET DE LATINOAMERICA S.A. DE C.V.

PLAINTIFFS

AND

ADVANTAGE INTERNATIONAL MANAGEMENT (CAYMAN) LTD

DEFENDANT

Before: The Hon. Justice David Doyle

Appearances: Andrew Ayres KC instructed by Andrew Chih of Carey Olsen for the
Plaintiffs
Romane Duncan of Conyers, Dill & Pearman LLP for the Defendant

Heard: 30 July 2026

Ex tempore Judgment
delivered: 30 July 2026

Draft transcript of
Judgment circulated: 11 August 2026

Transcript of judgment
Approved: 14 August 2026

Determination of application for Norwich Pharmacal relief in context of potential criminal proceedings in Mexico

JUDGMENT

Introduction

1. In respect of this matter I record that I have considered the hearing bundles, including the Originating Summons dated 4 June 2026, the draft order and the evidence and an email dated 29 July 2026, 4.20pm from Carey Olsen to my PA and the attachments to that email. I have also considered the Plaintiffs' helpful skeleton argument dated 23 June 2026 and the authorities relied upon.

Two initial main concerns

2. I should also record that initially I had two main concerns. Firstly, had proper notice been given to Mr Alejandro Guizar Prado ("Mr Guizar") and Citadelle Investments, Ltd ("Citadelle"). I had in my mind the words of Lord Leggatt in *Potanin v Potanina* [2024] UKSC 3; [2024] AC 1063 at [1] "Rule one for any judge dealing with a case is that, before you make an order requested by one party, you must give the other party a chance to object." Citadelle and Mr Guizar are not parties to these proceedings but they could be impacted if the relief requested is granted and to that extent they have an interest.
3. My second main concern, because I could not recall considering a *Norwich Pharmacal* application to assist in a criminal case, was whether *Norwich Pharmacal* relief could be granted to assist in a criminal context.
4. I have considered the evidence in respect of the potential proceedings in Mexico. The Plaintiffs in their skeleton argument at paragraph 17b. state:

"Mr Guizar's conduct in misleading the Mexican courts by making the Third Party Representation would amount to procedural fraud, a wrongdoing actionable as a matter of Mexican law against at least Mr Guizar in a procedure akin to a private prosecution ("Potential Claim")."

5. Defendants in criminal proceedings are entitled to a fair trial and have various rights and care needs to be taken not to inappropriately erode them via the backdoor of a *Norwich Pharmacal* Order.
6. Mr Andrew Ayres KC, who appears for the Plaintiffs, has allayed these initial main concerns.
7. Mr Ayres submits that the fact that the Potential Claim is effectively a private prosecution within the context of Mexican criminal proceedings is no bar to the exercise of the jurisdiction. I agree, for reasons which I shall come to.
8. In respect of my first main concern, I have now been provided with the Service Letter dated 5 June 2026 which attaches the Originating Summons and the supporting evidence and expressly refers to the deadline of 3 July 2026 for reply evidence and there is express reference to the hearing listed for 10am today 30 July 2026 and the need to file hearing materials by 2pm on 23 July 2026. I also now have the email from Carey Olsen to Mr Guizar at an email address that is specified on page 403 of the bundle, albeit on 14 September 2023.
9. I have an undertaking on behalf of the Plaintiffs to file an affidavit or affirmation within 7 days attaching the Carey Olsen email of 29 July 2026, 4.20pm and its attachments, to update the properly adduced evidence on the court file.
10. In summary, I am satisfied that Mr Guizar has been notified well in advance of today's hearing and had an opportunity to object but has not taken that opportunity.
11. The fact that Mr Guizar has not objected to the relief being sought does not, of course, alleviate this court from its responsibilities of considering whether it is appropriate to grant the relief sought.
12. In respect of my second main concern, Mr Ayres referred me to, amongst other authorities, the judgment of a deputy High Court judge at first instance in England and Wales in *FCFM Group Ltd v Hargreaves Lansdown Asset Management* [2018] EWHC 3075 (QB) which confirms at [24] that in principle the *Norwich Pharmacal* jurisdiction applies in respect of civil and criminal proceedings. See also the judgment of Lord Woolf CJ in *Ashworth Hospital Authority v MGN Ltd* [2002] 1 WLR 2033 (HL (E)) especially at [53] – [58].

13. At [57] Lord Woolf CJ also emphasised that the *Norwich Pharmacal* jurisdiction is an exceptional one and one which is only exercised by the courts when they are satisfied that it is necessary that it should be exercised.

The various legal requirements

14. Having been satisfied as to notice to Mr Guizar and Citadelle and the court's jurisdiction in this case, I note that to obtain the relief they seek the Plaintiffs must show:

- (1) a good arguable case of wrongdoing;
- (2) that the disclosure sought is "necessary" in the requisite sense to enable the Plaintiffs to seek legitimate redress for the wrongdoing; and
- (3) that the Defendant is likely to have relevant information acquired in the circumstances where its involvement in the suspected wrongdoing makes it more than a mere witness.

See Kawaley J in *Discover Investment Company v Vietnam Holding Asset Management Limited* 2018 (2) CILR 424 at [12]. See also *Essar Global Fund Limited* 2021 (1) CILR 788 judgment of the CICA, Martin J.A. at [16] – [19].

The submissions

15. I have considered the helpful skeleton argument of the Plaintiffs and the eloquent and comprehensive oral submissions presented to the court by Mr Ayres this morning.
16. The Defendant rightly takes a neutral stance but makes various points in an affidavit of Stuart Jessop sworn on 9 July 2026. I have considered all the specific queries raised in that affidavit and the detailed responses of the Plaintiffs to those points. I have also considered Article 9 of the Cayman Bill of Rights, the right to private and family life. I should record that the Defendant took a very responsible and proper approach to these proceedings and I am grateful to it for that, and to Mr Duncan for his assistance to the court.

Determination

17. In my judgment the conditions for the grant of *Norwich Pharmacal* relief have been duly satisfied.
18. I agree with Mr Ayres that there is at the very least a good arguable case of wrongdoing by Mr Guizar, namely that he procured what is referred to as the Precautionary Embargo through making a false third party representation, which amounts to an actionable wrong under Mexican law that has caused loss to the Plaintiffs.
19. The information and documents sought are necessary to enable the Potential Claim to be brought and the necessity test is satisfied.
20. I note that the Plaintiffs are aware of the identity of the potential wrongdoers but seek information and documents to piece together certain missing pieces of the jigsaw especially as to the position on 6 April 2026.
21. There are no realistic adequate alternatives to obtaining the information and documents.
22. The Defendant is innocently mixed up in the alleged wrongdoing and is likely to have the information and documents sought.
23. I do not think that the draft order is too wide. I think it is well focused and proportionate.

The Order

24. I grant an order substantially in terms of the draft. Such draft to incorporate the amendments I specified during my exchanges with counsel and also to include the various undertakings required by the court.
25. The following order was made:

“UPON the Plaintiffs’ originating summons dated 4 June 2026 (the "**Originating Summons**")

AND UPON considering the First Affidavit of Fernando Bermúdez sworn 25 May 2026, the First Affidavit of Alexander Ruben Castillo sworn 28 May 2026, the First Affidavit of Stuart Jessop sworn 9 July 2026, the Second Affidavit of Fernando Bermúdez sworn 21

July 2026 and the Second Affidavit of Alexander Ruben Castillo dated 21 July 2026 but unsworn ("**Castillo 2**"), and their respective exhibits

AND UPON hearing Leading Counsel for the Plaintiffs and Counsel for the Defendant on 30 July 2026 (the "**Hearing**")

AND UPON the Plaintiffs undertaking within 7 days to file a sworn version of Castillo 2

AND UPON the Plaintiffs undertaking within 7 days to file sworn evidence exhibiting the email dated 29 July 2026 at 4:20pm from Carey Olsen to the personal assistant of the Honourable Justice Doyle and the attachments thereto

AND UPON the Plaintiffs undertaking that if the Court later finds that this Order has caused loss to the Defendant, and decides that the Defendant should be compensated for that loss, the Plaintiffs will comply with any order the Court may make in this respect

AND UPON the Plaintiffs undertaking to use the documents solely for the purposes of commencing, pursuing or prompting identified proceedings. For these purposes, 'identified proceedings' means:

1. any criminal complaint (denuncia) filed by the Plaintiffs (or any one of them) with the competent prosecutorial authorities in the State of Jalisco or Mexico City seeking compensation for losses suffered as a result of the precautionary embargo issued on 9 April 2026 by the Fourteenth Specialised Labour Court of the First Judicial Region of the State of Jalisco, Mexico ("**Precautionary Embargo**") having been improperly obtained and other associated actions;
2. any investigation initiated by the Public Prosecutor following the provision by the Plaintiffs (or any one of them) of evidence indicative of criminal conduct; and
3. any civil or mercantile proceedings commenced by the Plaintiffs (or any one of them) seeking autonomous civil remedies, including compensation for losses suffered (reparación del daño), arising from the Precautionary Embargo having been improperly obtained and other associated actions.

IT IS HEREBY ORDERED THAT:

1. Within 14 days of the date of this Order, the Defendant, Advantage International Management (Cayman) Ltd, shall provide to the Plaintiffs' attorneys the following documents and information with respect to Citadelle Investments Ltd ("**Citadelle**"):
 - (a) Citadelle's complete Register of Members showing all historic changes ("**ROM**");
 - (b) Citadelle's complete Register of Directors showing all historic changes ("**ROD**");
 - (c) all documents evidencing the ultimate beneficial owner of Citadelle, including but not limited to the Beneficial Ownership Register ("**BO Documents**");
 - (d) any contract or agreement identifying the person authorised to give instructions to the Defendant on behalf of Citadelle ("**RO Agreement**");
 - (e) to the extent that the Defendant currently accepts (or had ever accepted) instructions in relation to Citadelle from any person other than one of the current members identified in the ROM, one of the current directors identified in the ROD, one of the current ultimate beneficial owners identified in the BO Documents, or the person identified in the RO Agreement, the full name of such person; and
 - (f) any documents or records evidencing the provision of instructions by Mr Alejandro Guizar Prado to the Defendant in relation to Citadelle, including but not limited to correspondence, mandates, or internal records of such instructions.

2. The Defendant's reasonable costs of complying with this Order be paid by the Plaintiffs on the standard basis, to be taxed if not agreed.”

David Doyle

THE HON. JUSTICE DAVID DOYLE
JUDGE OF THE GRAND COURT