



BLACKLOCK ROSE LTD

Liquidators address queries relating to Juicy Festival & Timeless Summer Tour

What is liquidation

A liquidation is a process available to companies that cannot pay their debts. The role of the liquidator is to seek to recover money to maximise the return for the creditors. The liquidators appointed are Benjamin Francis and Garry Whimp.

Why did this happen?

It is apparent that the festivals were cancelled as a direct result of the failure to get a liquor license. The liquidators are investigating whether any of the decisions to cancel were unreasonable.

Why are Ticketholders not protected?

The cancellation of the events meant that the ticketholders became creditors of the respective company. The company owes this money to the ticketholders however does not currently have the funds to pay them.

Will I get repaid and if so, when?

This is a question on everyone's lips; however, we do not currently have an answer. The liquidators are focussing on avenues to bring money back as soon as possible; however, this process can take several years.

We will keep creditors posted by updates on our website and by six monthly reports.

Where did the money go?

The money ticketholders paid to the company was used to cover costs that needed to be covered to put on the event. These include expenses such as artist fees and venue hire.

What rights do I have against third parties – e.g. banks/After Pay/ticketing companies?

We cannot comment on what, if any rights you may have against any third parties.

People wishing to consider these options should take professional advice. Our role is to recover funds and distribute those funds to creditors.

Why do I have to fill out the Creditor Claim form?

The form is required to be completed by all creditors under the Companies Act 1993. You may not partake in a liquidation without completing the form.

Please complete the claim form and email it back with proof of purchase to festivals@blr.co.nz. Please make sure the proof of purchase includes your name, and the amount paid. The ticket confirmation email is ideal.

Why does it take so long to get a reply to my emails?

The liquidations of the three festival companies have a total of approximately 30,000 ticketholder/creditors. Our team is working to respond to queries as quickly as possible, however, this can take time.

Updates will be published in the relevant section of our website.

How much do I get paid?

Ticketholders are unsecured creditors and all rank equally amongst themselves.

It is too early to estimate what, if any, distribution will be payable.

Any distribution is to be paid following the Pari Pasu principles (i.e. it will be proportional to the level of your debt).

What happened to my refund protection insurance?

This is a separate contract and falls outside the liquidation.

Why do the directors not have to pay?

As matters currently stand, it is too early to be making any decisions on this. By way of further explanation, the law in New Zealand considers a company to be a separate legal person from its directors and shareholders. Where a company incurs debts and then goes into liquidation leaving creditors unpaid, our law does have circumstances where directors can be liable for losses the company has caused but that only arises if the directors have done something that is considered wrong legally. For example, there are situations where a company causes loss to creditors where the directors have done nothing wrong. In those situations, our law recognises it would be unfair to make the directors liable. With Juicy and Timeless, the liquidators have not yet had the chance to investigate wrongdoing in respect of the running of each company. As such, the question of director liability has not arisen and at the moment the personal assets of directors are not available for creditors. The creditors will be kept informed of investigations undertaken by the liquidators and the liquidators will inform the creditors if they consider the directors have been responsible for any wrongdoing.

Why are the promoters allowed to operate other festivals?

Unless a director is banned from running a company for serious wrongdoing, such as fraud, the New Zealand law allows individuals to operate and control multiple companies. This does not impact the recoverability for creditors of the failed business.

Why are charge backs going to Court? Doesn't consumer law trump this?

Consumer law and insolvency law are different things. While consumer law may apply in some circumstances, the insolvency law regime sits alongside and overlaps consumer law in some circumstances. This is one of those circumstances. Consumer law may mean that the ticketholders are due refunds whereas insolvency law operates on the fundamental rule of *Pari Passu*. It is a Latin phrase and means all people get treated the same in the event of a company collapsing. In this instance, there is a tension between consumer law and insolvency law because under consumer law one ticket holder might be entitled to a refund but under insolvency law that entitlement cannot come at the expense of other ticket holders who have not or cannot obtain a refund. In other words, those ticket holders who did receive a charge back have, as it stands, reduced the funds available for other ticket holders. There are thousands of ticket purchasers who have lost out and the question the Court has been asked to answer is how to deal with the inconsistency between consumer law and insolvency law in this instance. Please note that every charge back request was opposed by the liquidators.

Benjamin Francis and Garry Whimp
Liquidators:

16th October 2025