

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 256 OF 2012

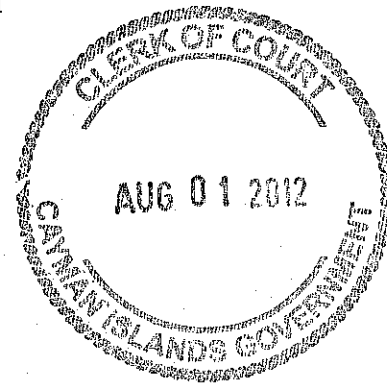
BETWEEN:

STANDARD CHARTERED BANK

PLAINTIFF

AND:

1. AHMED HAMAD AL GOSAIBI AND BROTHERS COMPANY
2. DAWUD SULEIMAN HAMAD AL GOSAIBI
3. WAFI SULEIMAN HAMAD AL GOSAIBI
4. WASAL SULEIMAN HAMAD AL GOSAIBI
5. YOUSEF HAMAD AL GOSAIBI
6. ABDULMOHSIN AHMAD AL GOSAIBI
7. SAMIHA AHMAD AL GOSAIBI
8. IBTISAM AHMAD AL GOSAIBI
9. INTISAR AHMAD AL GOSAIBI
10. BAHIYA ABDULLAH AL GOSAIBI
11. SAAUD ABDULAZIZ AL GOSAIBI
12. NAJAT ABDULAZIZ AL GOSAIBI
13. SIHAM ABDULAZIZ AL GOSAIBI
14. SUAAD ABDULAZIZ AL GOSAIBI
15. SAHAR ABDULAZIZ AL GOSAIBI
16. SAMAH ABDULAZIZ AL GOSAIBI
17. YASMIN MOHAMMED DIAUDIN KUNSH
18. WALID KHALID AHMAD HAMAD AL GOSAIBI
19. ABDURAHMAN KHALID AHMAD HAMAD AL GOSAIBI
20. DANA KHALID AHMED HAMAD AL GOSAIBI



DEFENDANTS

WRIT OF SUMMONS

TO:

1. **AHMED HAMAD AL GOSAIBI AND BROTHERS COMPANY** of no. 8 Pepsi Street, Al-Khobar, Kingdom of Saudi Arabia
2. **DAWUD SULEIMAN HAMAD AL GOSAIBI** of no. 8 Pepsi Street, Al-Khobar, Kingdom of Saudi Arabia
3. **WAFI SULEIMAN HAMAD AL GOSAIBI** of no. 8 Pepsi Street, Al-Khobar, Kingdom of Saudi Arabia
4. **WASAL SULEIMAN HAMAD AL GOSAIBI** of no. 8 Pepsi Street, Al-Khobar, Kingdom of Saudi Arabia
5. **YOUSEF HAMAD AL GOSAIBI** of no. 8 Pepsi Street, Al-Khobar, Kingdom of Saudi Arabia
6. **ABDULMOHSIN AHMAD AL GOSAIBI** of no. 8 Pepsi Street, Al-Khobar, Kingdom of Saudi Arabia
7. **SAMIHA AHMAD AL GOSAIBI** of no. 8 Pepsi Street, Al-Khobar, Kingdom of Saudi Arabia
8. **IBTISAM AHMAD AL GOSAIBI** of no. 8 Pepsi Street, Al-Khobar, Kingdom of Saudi Arabia
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19. **ABDURAHMAN KHALID AHMAD HAMAD AL GOSAIBI** of no. 8 Pepsi Street, Al-Khobar, Kingdom of Saudi Arabia

20. **DANA KHALID AHMED HAMAD AL GOSAIBI** of no. 8 Pepsi Street, Al-Khobar, Kingdom of Saudi Arabia

THIS WRIT OF SUMMONS has been issued against you by the above named Plaintiff, of 1 Aldermanbury Square, London EC2V 7SB, in respect of the claims set out on the next page.

Within 28 days after service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Courts Office, P.O. Box 495, George Town, Grand Cayman, KY1-1106, Cayman Islands the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein any intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 1st day of August 2012.

NOTE this Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with that date of original issuance unless renewed by order of the Court

IMPORTANT

Directions for the Acknowledgement of Service are given with the accompanying form.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 256 OF 2012

BETWEEN:

STANDARD CHARTERED BANK

PLAINTIFF

AND:

AHMED HAMAD AL GOSAIBI AND BROTHERS COMPANY

and the other Defendants set out in Appendix A

DEFENDANTS

STATEMENT OF CLAIM

1. The Plaintiff is a company created by Charter with limited liability under the laws of England whose principal office is at 1 Aldermanbury Square, London EC2V 7SB. The Plaintiff operates as a bank.
2. In Bahrain, the Plaintiff operates as a banking institution licensed by the Central Bank of Bahrain by virtue of license numbers RB/003 and WB/008.
3. The First Defendant is a partnership founded in the Kingdom of Saudi Arabia, with its principal place of business in Al Khobar, Saudi Arabia.
4. The Second to Twentieth Defendants are partners in the First Defendant.
5. On 17 February 2010 the Plaintiff brought an action upon a debt against the Defendants (and others) before the Kingdom of Bahrain, Bahrain Chamber for Dispute Resolution ("BCDR"), and described therein as Legal Action No: 2/2010.
6. The BCDR is a dispute resolution centre established under *Legislative Decree No. (30) for the year 2009 with respect to the Bahrain Chamber for Economic, Financial and Investment Dispute Resolution* (the "Decree").
7. The Decree provides that in certain circumstances, where the courts of Bahrain have jurisdiction, the BCDR has mandatory jurisdiction to hear a dispute of high value which involves a financial institution licensed by the Central Bank of Bahrain, or which is an international commercial dispute. In such circumstances, the decision of the BCDR in that dispute is to be treated and enforced as a final judgment of the courts of Bahrain.

8. These conditions were met, *inter alia* because the underlying agreements between the parties contained Bahrain governing law and jurisdiction clauses, the amount claimed was in excess of the relevant minimum, the Plaintiff is a financial institution licensed by the Central Bank of Bahrain and the dispute was an international commercial dispute. Accordingly the BCDR was duly constituted in accordance with the law of the Kingdom of Bahrain, had mandatory jurisdiction to hear the action brought by the Plaintiff, and its judgment is to be treated and enforced as final judgment of the courts of Bahrain.
9. The Defendants (and others) did not contest the jurisdiction of BCDR and were represented by Bahraini legal counsel in the proceedings before the BCDR.
10. On 30 December 2010, following contested proceedings, the BCDR gave judgment against the Defendants in favour of the Plaintiff (the "BCDR Judgment"). Attached hereto at Appendix B are copies of an official certified copy of the original Arabic BCDR Judgment and a certified official English translation thereof. The BCDR determined that all of the Defendants were jointly and severally liable to pay SCB the following sums:
 - i. US\$ 25 million as arrears of principal;
 - ii. Interest at the rate of 2% per annum from the due date of 23 April 2009 (being US\$1,636,982.70 as at 1 August 2012 and continuing to accrue at a daily rate of US\$ 1,369.86); and
 - iii. 35,932 Bahraini Dinars in respect of litigation costs (being the sum of BHD 32,882 + BHD 3,000 + BHD 50 awarded in the judgment).
11. The time period for the Defendants to appeal the BCDR Judgment expired on 30 January 2011. No appeal was brought by any of the Defendants.
12. The Plaintiff pleads that the BCDR Judgment was final and conclusive of the matters in issue as between the parties and operates as a *res judicata* estoppel as between them.
13. The Defendants have failed to pay the Plaintiffs any of the sums due under the BCDR Judgment and the obligation reflected by the BCDR Judgment remains outstanding.
14. The Defendants are accordingly indebted to the Plaintiff in the said amounts, which the Plaintiff claims in this action.
15. The Plaintiff claims interest on the principal sums awarded under the BCDR Judgment at the rate of 2% per annum as awarded by the BCDR Judgment from 23 April 2009 accruing at the rate of US\$ 1,369.86 per diem with the total interest due as at 1 August 2012 being US\$ US\$1,636,982.70.

AND THE PLAINTIFF CLAIMS:-

- i. Judgment in the sum of US\$ 25 million as arrears of principal;
- ii. Pre-judgment interest at the rate of 2% per annum from the due date of 23 April 2009 (being US\$ US\$1,636,982.70 as at 1 August 2012 and continuing to accrue at a daily rate of US\$ 1,369.86); and

- iii. 35,932 Bahraini Dinars in respect of litigation costs (being the sum of BHD 32,882 + BHD 3,000 + BHD 50 awarded in the BCDR Judgment);
- iv. Post-judgment interest upon the such sums as set out in paragraphs (i), (ii) and (iii) above with effect from the date of service of the Judgment at the rate of $2^{3/8}$ % per annum and/or such other rate then prevailing and/or determined by the Court in accordance with s.34 of the Judicature Law (2007 Revision) and the Judgment Debts (Rates of Interest) Rules 2010;
- v. Such further or other relief as the Honourable Court deems just;
- vi. Costs.

If, within the time for returning the Acknowledgment of Service, the Defendants pay the total amount claimed (including costs and interest) further proceedings will be stayed. The money must be paid to the Plaintiff or their Attorney.

Dated the 1st day of August 2012.

Nelson & Co.

NELSON & COMPANY
Attorneys-at-law for the Plaintiff

TO: The Clerk of the Courts

AND TO: The Defendants

This **Writ of Summons and Statement of Claim** was issued by Nelson & Company, Attorneys-At-Law for the Plaintiff, whose address for service is 31 The Strand, 46 Canal Point Drive, P.O. Box 2075, Grand Cayman, KY1-1105, Cayman Islands.

Appendix A

Defendants

- 1. AHMED HAMAD AL GOSAIBI AND BROTHERS COMPANY**
- 2. DAWUD SULEIMAN HAMAD AL GOSAIBI**
- 3. WAFI SULEIMAN HAMAD AL GOSAIBI**
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DEFENDANTS

ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

-
1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

2. State whether the Defendant intend to contest the proceedings (tick appropriate box)
 Yes No

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (tick box)
 Yes No

Service of the Writ is acknowledged accordingly

Signed

Attorney for the Defendant

Address for service:

Please complete overleaf

Notes on address for service

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

Indorsement by Plaintiffs' Attorney (or by Plaintiffs if suing in person) of his name, address and reference, if any, in the box below.

Nelson & Company
Attorneys at Law
PO Box 2075
31 The Strand
46 Canal Point Drive
Grand Cayman KY1-1105

Indorsement by Defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

[Empty box for Defendant's Attorney indorsement]

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS

1. The accompanying form of *Acknowledgment of Service* should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also serve a defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, *issue a Summons* for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 14 days for acknowledging service a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (*the name stated on the Writ of Summons*)".
4. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
6. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.