

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

CAUSE NO FSD: 0026 OF 2013

BETWEEN:

PORTA REEF

First Plaintiff

INDIA ENTERTAINMENT CITY

Second Plaintiff

AND:

MS FATENAH HASHIM SAWAN

Defendant

ORIGINATING SUMMONS

TO: MS FATENAH HASHIM SAWAN  
P.O. BOX 20293  
MANAMA  
BAHRAIN  
ROAD 252 – HOUSE 1305

LET THE DEFENDANT, within 14 days after service of this summons on her, counting the day of service, return the accompanying Acknowledgment of Service to the Court Office, PO Box 495, George Town, Grand Cayman KY1-1106.

BY THIS SUMMONS, which is issued on the application of the Plaintiffs, Porta Reef and India Entertainment City, each being exempted companies incorporated pursuant to the laws of the Cayman Islands, and each having their registered office at Ugland House, South Church Street, PO Box 309, Grand Cayman, KY1-1104:

1 The First Plaintiff seeks against the Defendant declarations that:

- 1.1 The written Subscription Agreement, undated but signed by the Defendant and delivered to the First Plaintiff in or around June or July 2007, is a valid and binding contract between the First Plaintiff and the Defendant ("**Porta Reef Subscription Agreement**");

THIS ORIGINATING SUMMONS was issued by Maples and Calder, attorneys for the Plaintiffs, whose address for service is PO Box 309GT, Ugland House, Grand Cayman, KY1-1104, Cayman Islands (Ref: JSE/VJL/679465/25586832).

- 1.2 Pursuant to the Porta Reef Subscription Agreement, the First Plaintiff duly issued 25,000 shares to the Defendant ("**Porta Reef Shares**"), which is properly recorded in the Register of Members of the First Plaintiff;
  - 1.3 As registered owner of the Porta Reef Shares, the Defendant is bound by the First Plaintiff's Memorandum and Articles of Association dated 23 May 2007, including but not limited to the provisions governing the redemption and repurchase or cancellation of the Porta Reef Shares; and
  - 1.4 In the circumstances, there is no legal or factual basis on which the Defendant can require the First Plaintiff to cancel the Porta Reef Shares.
- 2 The Second Plaintiff seeks against the Defendant declarations that:
- 2.1 The written Subscription Agreement, undated but signed by the Defendant and delivered to the Second Plaintiff on or around 26 June 2008, is a valid and binding contract between the Second Plaintiff and the Defendant ("**IEC Subscription Agreement**");
  - 2.2 Pursuant to the IEC Subscription Agreement, the Second Plaintiff duly issued 100,000 shares to the Defendant ("**IEC Shares**"), which is properly recorded in the Register of Members of the Second Plaintiff;
  - 2.3 As registered owner of the IEC Shares, the Defendant is bound by the Second Plaintiff's Memorandum and Articles of Association dated 10 March 2008, including but not limited to the provisions governing the redemption and repurchase or cancellation of the IEC Shares; and
  - 2.4 In the circumstances, there is no legal or factual basis on which the Defendant can require the Second Plaintiff to cancel the IEC Shares.
- 3 The First and Second Plaintiffs seek orders that the Defendant do pay the Plaintiffs' costs of this proceeding.

If any Defendant does not acknowledge service, such judgment may be given or order made against or in relation to her as the Court may think just and expedient.

THIS ORIGINATING SUMMONS was issued by Maples and Calder, attorneys for the Plaintiffs, whose address for service is PO Box 309GT, Uglund House, Grand Cayman, KY1-1104, Cayman Islands (Ref: JSE/VJL/679465/25586832).

DATED this 14<sup>th</sup> day of February 2013

*Maples and Calder*

**Maples and Calder**

NOTES: -

This Originating Summons 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 the above date unless renewed by order of the Court.

If the Defendants do not attend personally or by their attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

**IMPORTANT**

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

THIS ORIGINATING SUMMONS was issued by Maples and Calder, attorneys for the Plaintiffs, whose address for service is PO Box 309GT, Ugland House, Grand Cayman, KY1-1104, Cayman Islands (Ref: JSE/VJL/679465/25586832).

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE**  
**OF ORIGINATING SUMMONS**

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, George Town, Grand Cayman.

**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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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 Originating Summons)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guarcian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

CAUSE NO FSD: OF 2013

BETWEEN:

PORTA REEF

First Plaintiff

INDIA ENTERTAINMENT CITY

Second Plaintiff

AND:

MS FATENAH HASHIM SAWAN

Defendant

---

ACKNOWLEDGMENT OF SERVICE OF ORIGINATING SUMMONS

---

TO: MS FATENAH HASHIM SAWAN  
P.O. BOX 20293  
MANAMA  
BAHRAIN  
ROAD 252 – HOUSE 1305

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.

---

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

---

2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

yes

no

---

Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

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 principal office.

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

Maples and Calder PO Box 309 Ugland House George Town Cayman Islands KY1-1104
--

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

--