

IN THE COURT OF APPEAL

ON APPEAL FROM THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CIVIL APPEAL NO. 21 OF 2013

ON APPEAL FROM THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CAUSE NO. FSD 12 OF 2013 – AJJ

BETWEEN:

SWISS-ASIA GENGHIS HEDGE FUND
(as assignee of SOMERS NOMINEES (FAR EAST) LIMITED)

PLAINTIFF/
RESPONDENT

AND:

MAOMING FUND

DEFENDANT/
APPELLANT

ORDER



ON HEARING the Respondent's Summons dated 19 August 2013 seeking security for its costs of the appeal ("the Security Summons")

AND UPON READING the First Affidavit of Kirsten Houghton sworn on 22 August 2013

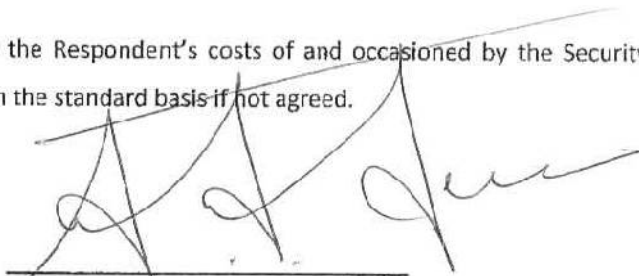
AND UPON HEARING Counsel for the Respondent and Counsel for the Appellant

IT IS HEREBY ORDERED that:

1. The Appellant do, within seven days of the date hereof, procure some sufficient person on its behalf (other than a subsidiary of the Company and to the satisfaction of the Court in case the parties differ) to give security in the sum of US\$70,000 conditioned to answer costs in case any shall be ordered to be paid by the Appellant to the Respondent on the Appeal.

THIS ORDER is filed by Campbells, Attorneys at Law for the Respondents, whose address for service is PO Box 884, 4th Floor Willow House, Cricket Square, George Town, Grand Cayman (Ref: JRM/14036-19802)

2. The source of the funding of such security is to be disclosed by the Appellant by letter to the Respondent's attorneys and the Respondent shall have liberty to apply to the Court in this regard.
3. In default of the Appellant procuring such security within the seven days aforesaid and upon the attorneys for the Respondent certifying such fact in writing to the Court, the appeal shall be struck out without further order, and thereupon the Appellant shall pay to the Respondent its costs occasioned by the appeal including their costs of the Security Summons, such costs to be taxed on the standard basis if not agreed.
4. The Appellant shall pay the Respondent's costs of and occasioned by the Security Summons such costs to be taxed on the standard basis if not agreed.


HON. JUSTICE ANDREW JONES QC
JUDGE OF THE FINANCIAL SERVICES DIVISION
SITTING AS A SINGLE JUDGE OF THE COURT OF APPEAL

Dated: 28 August 2013

Filed: 29 August 2013



THIS ORDER is filed by Campbells, Attorneys at Law for the Respondents, whose address for service is PO Box 884, 4th Floor Willow House, Cricket Square, George Town, Grand Cayman (Ref: JRM/14036-19802)

Approved as to Form and Content

Campbells
Campbells
Attorneys for the Plaintiff/Respondent

Appleby (Cayman) Ltd
Appleby (Cayman) Ltd.
Attorneys for the Defendant/Appellant



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