

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: *G0059* OF 2014

BETWEEN: CAMPBELLS (a firm)



AND: (1) VALIANCE SPECIAL OPPORTUNITIES CO-
INVESTMENT GENERAL PARTNER LIMITED
(2) VALIANCE SPECIAL OPPORTUNITIES FUND
OF FUNDS LIMITED



WRIT OF SUMMONS

TO: Valiance Special Opportunities Co-Investment General Partner Limited
AND TO: Valiance Special Opportunities Fund of Funds Limited
BOTH OF: Ogier Fiduciary Services (Cayman) Ltd,
89 Nexus Way,
Camana Bay,
Grand Cayman KY1-9007,
Cayman Islands

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 14 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495, George Town, Grand Cayman KY1-1106, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

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

Issued: 22 April 2014.

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 the date of issue unless renewed by order of the Court.

IMPORTANT

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

THIS WRIT is issued by Campbells, the Plaintiff, whose address for service is Floor 4 Willow House, Cricket Square, George Town, Grand Cayman (Ref: JRM/KAH/13558-18302)

6 The Proceedings were settled on 17 September 2013, the day before the intended commencement of the trial, all of the preparation for the trial having been carried out, including the preparation of trial bundles, obtaining work permits for Mr. Black and his team, Mr. Tregear QC, Mrs. Susan Prevezer QC and a team of Court Reporters from London.

7 Prior to the settlement of the Proceedings, on the instructions of the Funds, Campbells incurred significant time costs (principally by Mr. Ross McDonough, Miss Kirsten Houghton and Mr. James Austin-Smith) and disbursements (including the costs of work permits and limited admission fees, transcript writers' fees and copying costs).

8 Pursuant to the Retainer Letter, Campbells has submitted the following invoices to the Funds for payment, which invoices remained until 2 April 2014 wholly or partially unpaid in breach of the Funds' obligations to pay them:

8.1 **US\$ invoices:**

(a)	31 August 2013	102822	US\$65,386.87
(b)	24 October 2013	103921	US\$63,202.62

8.2 **GB£ invoices**

(a)	24 October 2010	103921-1	GB£4,671.82
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9 On 9 October 2013, Campbells applied US\$11,118.87 held in client account to settle disbursements appearing on invoice no. 102822.

10 On 2 April 2014, Campbells applied US\$7,933.53 in settlement of Invoice no. 103921-1 (in respect of transcript writers' fees) and incurred US\$25.39 in bank charges in so doing.

11 Campbells now retains US\$225.74 in its client account.

12 Accordingly, the Funds are indebted to Campbells in the sums of US\$117,244.88.

THIS STATEMENT OF CLAIM is filed by Campbells, the Plaintiff, whose address for service is Floor 4 Willow House, Cricket Square, George Town, Grand Cayman (Ref: JRM/KAH/13558-18302)

13 Further, the Plaintiff seeks and is entitled to interest pursuant to section 34(1) of the Judicature Law (2013 Revision) calculated in accordance with the schedule attached hereto, alternatively at such rate from such date and on such amounts as this honourable Court thinks fit.

AND THE PLAINTIFF claims:

- (1) US\$117,244.88 alternatively damages alternatively *quantum meruit*;
- (2) Interest pursuant to section 34(1) of the Judicature Law (2013 Revision) to 22 April 2014 in the sums of US\$1,1,335.23 and GB£39.52 (calculated to 2 April 2014) and continuing thereafter thereafter at the daily rate of US\$7.64 until judgment or sooner payment alternatively at such rate from such date and on such amount as this honourable court thinks fit
- (3) Costs; and
- (4) Such further and/or other relief as this Honourable Court deems appropriate.



CAMPBELLS

Dated: 22 April 2014

Filed: ... April 2014

THIS STATEMENT OF CLAIM is filed by Campbells, the Plaintiff, whose address for service is Floor 4 Willow House, Cricket Square, George Town, Grand Cayman (Ref: JRM/KAH/13558-18302)

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

Campbells
Floor 4 Willow House
PO Box 884
George Town
Grand Cayman KY1-1103
(Ref: JRM/KAH/13558-18302)

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 495G, 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

Please complete overleaf

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.

SCHEDULE - INTEREST CALCULATION

Rate applied: 2.375%

US\$	Date	Description	Amount	Balance	Interest Start Date	Interest End Date	Days	Daily Rate	Interest
	31/08/2013	Invoice 102822	US\$65,386.87	US\$65,386.87	01/10/2013	08/10/2013	7	US\$4.25	US\$29.78
	09/10/2013	Payment (disbursements only)	-	US\$54,268.00	09/10/2013	23/11/2013	45	US\$3.53	US\$158.90
	24/10/2013	Invoice no. 103921	US\$63,202.62	US\$117,470.62	23/11/2013	22/4/2014	150	US\$7.64	US\$1,146.55
	Total Interest								US\$1,335.23

GBP	Date	Description	Amount	Balance	Interest Start Date	Interest End Date	Days	Daily Rate	Interest
	24/10/2013	Invoice 103291-1	£4,671.82	£4,671.82	23/11/2013	2/4/2014	130	£0.30	£39.52
	Total Interest								£39.52