

IN THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CAUSE NO. FSD 0122 OF 2014



IN THE MATTER OF a settlement made by Boyer Allan Investment Management Limited known as the Boyer Allan Investment Management Ltd Employee Benefit Trust dated 28 January 2000

AND IN THE MATTER OF THE TRUSTS LAW (2011 REVISION)

AND IN THE MATTER OF GCR ORDER 85, RULE 2(2)(a)

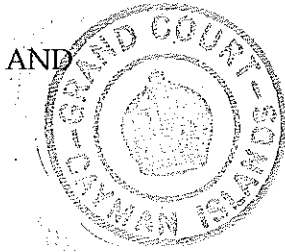


BETWEEN:

SCHRODER CAYMAN BANK AND TRUST COMPANY LIMITED

Plaintiff

AND



SCHRODER TRUST A.G.

Defendant

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ORIGINATING SUMMONS

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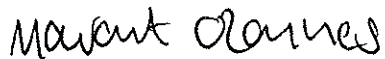
LET THE DEFENDANT, of 8 Rue d'Italie, 1204 Geneva, Switzerland attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on the day of 201 at o'clock on the hearing of an application by the Plaintiff of c/o Mourant Ozannes, 94 Solaris Avenue, Camana Bay, PO Box 1348, Grand Cayman, KY1-1108, Cayman Islands in its capacity as a trustee of the trusts of the Boyer Allan Investment Management Ltd Employee Benefit Trust dated 28 January 2000 (the "Cayman Trust") seeking the following orders:

1. A declaration that three appointments, each dated 5 April 2011 ("the **Appointments**") executed by the Plaintiff and the Defendant as trustees of the Cayman Trust are void and of no effect; alternatively

2. an order setting aside the Appointments (and each of them) on the grounds of mistake;
3. an order pursuant to GCR O.15, r.13 appointing the Defendant to represent the as yet unascertained members of the class of beneficiaries under clause 1.1.4(d) of each of the Nicholas Allan Employer Financed Retirement Benefit Plan, the Andrew Tay Employer Financed Retirement Benefit Plan and the Jonathan Boyer Employer Financed Retirement Benefit Plan each dated 5 April 2011;
4. such further or other relief as the court shall consider appropriate; and
5. an order making provision for the costs of this application

AND LET THE DEFENDANT within 28 days after service of this Summons on it, counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office.

Dated 12 November 2014



MOURANT OZANNES  
Attorneys for the Plaintiff

- NOTE: (1) This Originating Summons may be served not later than 4 calendar months (or if leave is required to effect notice out of the jurisdiction, 6 months) beginning with that date, unless renewed by order of the Court.
- (2) If a Defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

**IMPORTANT:** Directions for acknowledgement of service are given with the accompanying forms.

No. 9

Acknowledgement of service of originating summons (O.10, r. 5)

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING OF 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, P.O. Box 495G, 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 28 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 Writ of 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 his behalf.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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Plaintiff

AND

SCHRODER TRUST A.G.

Defendant

ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING 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.

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

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

yes

no

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Service of the Originating Summons is acknowledged accordingly

(Signed) .....

[Attorney] for

[Defendant in person]

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

Mourant Ozannes  
Attorneys-at-Law  
94 Solaris Avenue  
Camana Bay  
PO Box 1348  
GRAND CAYMAN, KY1-1108  
(ref: MM/LJD/8012387)

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