

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

CAUSE NO: FSD <sup>0093</sup> OF 2015

BETWEEN:

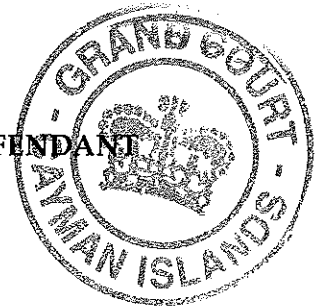
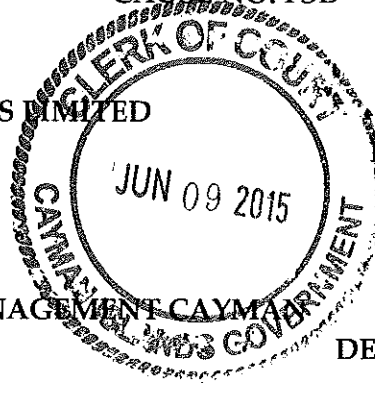
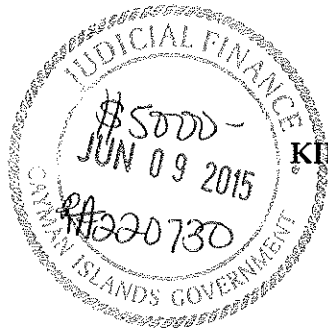
SHANDA GAMES LIMITED

PLAINTIFF

AND

KILOMETRE CAPITAL MANAGEMENT CAYMAN ISLANDS LIMITED

DEFENDANT



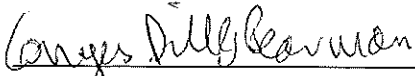
ORIGINATING SUMMONS

LET THE DEFENDANT of Intertrust Corporate Services (Cayman) Limited, 190 Elgin Avenue, George Town, Grand Cayman, Cayman Islands attend before a Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the \_\_\_\_\_ day of \_\_\_\_\_ 2015 at \_\_\_\_\_ am/pm on the hearing of an application by the Plaintiff of Codan Trust Company (Cayman Limited), PO Box 2681, Hutchins Drive, Cricket Square, George Town, Grand Cayman, Cayman Islands that:

1. The Statutory Demand served by the Defendant on the Plaintiff on 21 May 2015 be set aside;
2. A final injunction be granted to restrain the Defendant from presenting a Winding Up Petition against the Plaintiff;
3. Such further relief as this Honourable Court deems just; and
4. Costs.

**AND LET THE DEFENDANT** within 14 days after service of this summons on him counting the day of service, return the accompanying Acknowledgment of Service to the Courts office.

Dated this 9 day of June 2015



Conyers Dill & Pearman  
Attorneys for the Plaintiff

**NOTES:-**

- (1) This 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.
- (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 Acknowledgment of Service are given with the accompanying form.

This **ORIGINATING SUMMONS** was **FILED** by Conyers Dill & Pearman, Attorneys for and on behalf of the Plaintiff, whose address for service is 2<sup>nd</sup> Floor, Boundary Hall, Cricket Square, P.O. Box 2681, Grand Cayman, KY1-1111, Cayman Islands

## **Acknowledgement of service of originating summons**

### **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, 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 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 guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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FSD NO.        OF 2015

BETWEEN:

SHANDA GAMES LIMITED

PLAINTIFF

AND

KILOMETRE CAPITAL MANAGEMENT CAYMAN

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

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.

Conyers Dill & Pearman  
Cricket Square, PO Box 2681  
Grand Cayman KY1-1111

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]