

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION

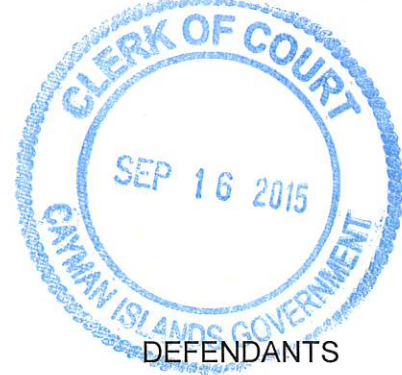
CAUSE NO: G0158 OF 2015

BETWEEN: CATHAY OIL AND GAS LIMITED

AND:

- (1) CAPG **LTC LTD**
- (2) IAN BRODIE-BROWN
- (3) MILTON BEARDEN
- (4) ANDREW GOLDING
- (5) ULLI RATH

PLAINTIFF



**AMENDED WRIT OF SUMMONS**

TO:

**CAPG LTD** of c/o Maples Corporate Services Limited, Ugland House, PO Box 309, George Town, Grand Cayman, Cayman Islands, KY1-1102.

**IAN BRODIE-BROWN** of 415 Montrose Avenue, Toronto, Canada, M6G 3H2

**MILTON BEARDEN** of c/o Asia-Africa Projects Group LLC, 1750 K Street NW, Suite 1200, Washington DC 20006

**ANDREW GOLDING** of c/o Maples Corporate Services Limited, Ugland House, PO Box 309, George Town, Grand Cayman, Cayman Islands, KY1-1102 (last known business address).

**ULLI RATH** of c/o Maples Corporate Services Limited, Ugland House, PO Box 309, George Town, Grand Cayman, Cayman Islands, KY1-1102 (last known business address).

**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, or 28 days where served outside the jurisdiction, 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 495G, George Town, Grand Cayman, 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 this 15<sup>th</sup> day of September 2015

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.

**GENERAL INDORSEMENT**

The Plaintiff alleges that the Defendants unlawfully conspired and/or acted in breach of fiduciary duty so as to improperly deprive the Plaintiff of its legal and/or beneficial interest in the First Defendant and claims, *inter alia*,

- a. Rectification of the register of members of the First Defendant;
- b. Damages;
- c. Interest pursuant to Section 34 of the Judicature Law on such sums as may be awarded;
- d. Further or other relief;
- e. Costs.

DATED the 16th day of September 2015



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**WALKERS**

Attorneys for the Plaintiff

THIS WRIT was issued by Walkers, Attorneys at Law for the Plaintiff, whose address for service is 190 Elgin Avenue, George Town, Grand Cayman, KY1-9001, Cayman Islands.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: G0158 OF 2015

BETWEEN: CATHAY OIL AND GAS LIMITED PLAINTIFF

AND: (1) CAPG LIMITED LTD  
(2) IAN BRODIE-BROWN  
(3) MILTON BEARDEN  
(4) ANDREW GOLDING  
(5) ULLI RATH DEFENDANTS

**ACKNOWLEDGEMENT OF SERVICE  
OF WRIT OF SUMMONS**

If you intend to instruct an Attorney to act for you, give him this form **IMMEDIATELY**.

**Important.** Read the accompanying Delay may result in judgment being entered  
directions and notes for guidance carefully against a Defendant whereby he may have to  
before completing this form. If any information pay the costs of applying to set it aside.  
required is omitted or given wrongly, THIS  
FORM MAY HAVE TO BE RETURNED.

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

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State whether the Defendant intends to contest the proceedings (*tick appropriate box*)

yes

no

If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (*tick box*)

yes

no

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Service of the Writ 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.

Walkers  
Attorneys at Law  
KY1-9001  
190 Elgin Avenue  
George Town, Grand Cayman  
  
FAO Nicholas Dunne

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

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 Courts Office, PO Box 495GT, George Town, Grand Cayman.

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.

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<sup>2</sup> 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

Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Court's office.

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.

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*)".

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.

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.

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.

Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.

A Defendant acting in person may obtain help in completing the form at the Court's office.