

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE NO. FSD 67 OF 2016 (RMJ)

IN THE MATTER OF A DEED OF SETTLEMENT DATED 26 JANUARY 2007, AS AMENDED

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



AMENDED ORIGINATING SUMMONS

TO: Those persons directed by the Court to be served

LET ALL PARTIES CONCERNED attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the day of 2016 at am/pm, on the hearing of an application by the Plaintiff, **HSBC INTERNATIONAL TRUSTEE LIMITED**, as trustee of a settlement dated 26 January 2007, as amended (the *Settlement*), seeking the following reliefs pursuant to GCR O. 15 r. 13, O.85 r.2(2)(a), O.63 r. 3(4) and/or the inherent jurisdiction of the Court:

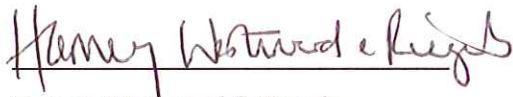
- 1 An order that Mac Imrie of Maples and Calder be appointed as a representative of those beneficiaries of the Settlement who are minors and unborns as at the date of this Originating Summons and is directed to produce a written opinion as to the benefits and disadvantages of the Proceedings (as defined below) on behalf of those beneficiaries to the Court (the *Representative Party*).
- 2 An order for directions as to which persons are properly to be given notice, including minors and their representative(s) appointed pursuant to paragraph (1), and in what form, of the Summons herein.
- 3 An order that the court file be sealed.

- 4 An order that a hearing be listed in which the following substantive orders will be sought:
- (a) An order approving the steps that the Plaintiff has procured its administrative assistant, HSBC Trustee (Hong Kong) Limited (**HTHK**), to take in proceedings in the Hong Kong Special Administrative Region (the **Proceedings**) as described in the affidavit of Lau Sin Yee Paulina sworn in support of this Originating Summons, in particular,
 - (i) An order sanctioning HTHK's application to set aside a subpoena dated 18 March 2016 and the filing of its evidence in support and any reply evidence (the **Set Aside Application**);
 - (ii) An order giving HTHK liberty to appear at the Set Aside Application hearing listed in Hong Kong on 8 September 2016 and other hearings therein;
 - (iii) An order giving HTHK liberty to participate in any appeal arising out of the Subpoena and/or the Set Aside Application;
 - (b) An order that the Plaintiff be at liberty to defend, whether by itself or through HTHK as so advised, any other action brought by the Plaintiff in the Proceedings, identified in the affidavit of Lau Sin Yee Paulina, in any jurisdiction seeking the disclosure of documents, including those requested under the subpoena in the Proceedings and any other documents and/or information relating to the Settlement;
 - (c) An order permitting the Plaintiff to apply for directions pursuant to section 4 of the Confidential Relationships (Preservation) Law (2015 Revision) regarding the disclosure of any confidential information in the documents to be disclosed in the Proceedings or by any order of the Grand Court, and the terms of such disclosure.
- 5 That the Plaintiff do have liberty to apply.

- 6 That the Plaintiff be indemnified against any and all costs and expenses arising out of, and incidental to, the said action(s) out of the trust assets of the said Settlement including for the avoidance of doubt, its own established professional charges in accordance with its terms and conditions as amended from time to time for the time spent by its own employees in dealing with the conduct of the said litigation/proceeding(s), including the costs occasioned by HTHK in the Hong Kong Proceedings.
- 7 The costs of the Representative Party appointed pursuant to paragraph (1) of and occasioned by this Originating Summons be paid out of the assets of the above-mentioned Settlement, such costs to be taxed, if not agreed, on the indemnity basis.

Dated this 12th day of May 2016

Dated this 23 day of June 2016



Harney Westwood & Riegels

Attorneys-at-Law for and on behalf of the Plaintiff

THIS ORIGINATING SUMMONS was issued by Harney Westwood & Riegels, Attorneys-at-Law for the Plaintiffs, whose address for service is 4th Floor, Harbour Place, 103 South Church Street, PO Box 10240, Grand Cayman KY1-1002, Cayman Islands (Ref: 018937-0004-DCB-JGW).