

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: 198 OF 2017

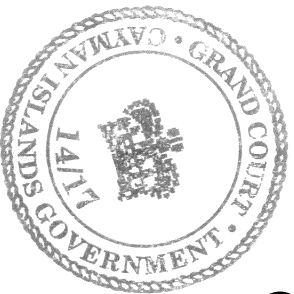
- (1) CHARIF KAZAL
- (2) TONY KAZAL

AND

- (1) RODRIC MARC DAVID
- (2) NAVEEN DAVID SINGH
- (3) GLOBAL RENEWABLES PTY LTD
- (4) XALT PTY LTD
- (5) NIKOLOAOS MAVROMANOLAKIS
- (6) IRONBRIDGE CAPITAL PTY LTD
- (7) PALISADE INVESTMENT PARTNERS PTY LTD
- (8) GLOBAL RENEWABLES HOLDINGS PTY LTD
- (9) GLOBAL RENEWABLES AUSTRALIA PTY LTD
- (10) GRL SYDNEY PTY LTD
- (11) GLOBAL RENEWABLES EASTERN CREEK PTY LTD



PLAINTIFFS



DEFENDANTS

WRIT OF SUMMONS

TO: RODRIC MARC DAVID OF 12647 HOMEWOOD WAY LOS ANGELES CA. 90049 UNITED STATES

AND: NAVEEN DAVID SINGH OF 130 WOLSELEY ROAD POINT PIPER NSW 2027 AUSTRALIA

AND: GLOBAL RENEWABLES PTY LTD OF WASTE MANAGEMENT FACILITY WALLGROVE ROAD EASTERN CREEK NSW 2766 AUSTRALIA

AND: XALT PTY LTD OF 130 WOLSELEY ROAD POINT PIPER NSW 2027 AUSTRALIA

00804815-1

THIS WRIT OF SUMMONS was FILED by SOLOMON HARRIS of 3rd Floor, FirstCaribbean House, P.O. Box 1990, Grand Cayman, KY1-1104, Cayman Islands, Attorneys-at-law for and on behalf of the Plaintiffs whose address for service is that of their said Attorneys-at-law.

AND: NIKOLOAOS MAVROMANOLAKIS OF C/O LIBERTY INVESTMENTS PITSIDIA HERAKLION
CRETE GREECE PC 70200

AND: IRONBRIDGE CAPITAL PTY LTD LEVEL 10, 56 PITT STREET SYDNEY NSW 2000 AUSTRALIA

AND: PALISADE INVESTMENT PARTNERS PTY LTD LEVEL 35, 60 MARGARET STREET SYDNEY NSW
2000 AUSTRALIA

AND: GLOBAL RENEWABLES HOLDINGS PTY LTD OF WASTE MANAGEMENT FACILITY
WALLGROVE ROAD EASTERN CREEK NSW 2766 AUSTRALIA

AND: GLOBAL RENEWABLES AUSTRALIA PTY LTD OF WASTE MANAGEMENT FACILITY
WALLGROVE ROAD EASTERN CREEK NSW 2766 AUSTRALIA

AND: GRL SYDNEY PTY LTD OF WASTE MANAGEMENT FACILITY WALLGROVE ROAD EASTERN
CREEK NSW 2766 AUSTRALIA

AND: GLOBAL RENEWABLES EASTERN CREEK PTY LTD OF WASTE MANAGEMENT FACILITY
WALLGROVE ROAD EASTERN CREEK NSW 2766 AUSTRALIA

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

Within 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, 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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this day of November 2017

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.

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1. The Defendants are liable to the Plaintiffs as the former legal and/or beneficial 50% shareholders in Emergent Capital Limited (“ECL”) a company incorporated in the Cayman Islands of which the First Defendant was a Director at all times and, through Raal Limited, a 50% shareholder and of which the Fifth Defendant was a Director from 1 October 2009. ECL owned shares of Global Renewables Limited (“GRL”) of which the Second Defendant was a Director at all material times and, through Singh Investments Ltd, a shareholder. GRL was the owner of the Ninth Defendant, which it is believed owned the Eastern Creek UR-3R Facility (“Facility”), located at Wallgrove Road, Eastern Creek, NSW, 2766. The Eighth Defendant is the holding company of the Third, Ninth, Tenth and Eleventh Defendants, and, by virtue of its position as holding company of the aforementioned Defendants, the ultimate owner of the Facility. The Fourth and the Seventh Defendants are equal, non-beneficial shareholders in the Eighth Defendant.

2. In December 2010, ECL sold and transferred its sole valuable asset, namely its shareholding in GRL (and, therefore, its interest in the Facility) to the Sixth Defendant, for up to US\$26.6m. Subsequent to this sale by ECL, the Eighth Defendant, through its ownership of the Third, Ninth, Tenth and Eleventh Defendants, became the ultimate owner of the Facility. In November 2013, the Sixth Defendant sold to the Seventh Defendant its interest in the Facility, which was valued at a minimum of US\$85m. The Plaintiffs therefore allege that ECL’s shareholding in GRL and its resulting interests in the Facility were sold to the Sixth Defendant in December 2010 at a significant undervalue, which was known to the Defendants who were significantly enriched by the transaction at the expense of the Plaintiffs. At all material times the Third Defendant’s shares were owned directly or indirectly by the Sixth Defendant and/or by the Second Defendant, through the Fourth Defendant and/or by the Seventh Defendant. The Plaintiffs claim against the Defendants:

2.1 For damages for conspiracy in agreeing and acting in concert to injure the economic interests of the Plaintiffs by causing ECL to sell and transfer its assets at a known significant undervalue and/or;

2.2 For damages for breach of fiduciary duty as directors;

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2.3 As constructive trustee(s) to account for and make restitution of all monies and secret profits personally received unlawfully and in breach of fiduciary duties as directors of ECL and/or subsidiaries of ECL and/or;

2.4 As constructive trustee(s) to account for and make restitution for all monies received whether as shareholder (s) or beneficial owner (s) or in any other capacity of any entity which is or was an assignee, transferee or successor in title to assets of ECL and/or;

2.5 For restitution for unjust enrichment and/or;

2.6 For damages for misrepresentation alternatively and/or;

2.7 For proprietary tracing of the proceeds of all breaches of trust and fiduciary duty.

AND THE PLAINTIFFS claim:

1. Damages to be assessed;
2. Interest for such period and at such rate as the Court thinks fit;
3. Costs.

Dated this 15th day of November 2017



SOLOMON HARRIS
ATTORNEYS-AT-LAW FOR THE PLAINTIFFS

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE

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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

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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.
1. For the purpose of calculating the period of [] 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.
2. 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)".
3. 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.
4. 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.
5. 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.
6. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
7. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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**IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION**

CAUSE NO: OF 2017

- (1) CHARIF KAZAL**
- (2) TONY KAZAL**

PLAINTIFFS

AND

- (1) RODRIC MARC DAVID**
- (2) NAVEEN DAVID SINGH**
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DEFENDANTS

**ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

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

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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.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

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

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

YES NO

3. 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

Service of the Writ is acknowledged accordingly

.....

Attorney for

Please complete overleaf

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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.

Solomon Harris
3rd Floor, First Caribbean House
P.O. Box 1990 George Town
Grand Cayman K71-1104
Cayman Islands

REF:LH/EE/5176.0001

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

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THIS WRIT OF SUMMONS was **FILED** by **SOLOMON HARRIS** of 3rd Floor, FirstCaribbean House, P.O. Box 1990, Grand Cayman, KY1-1104, Cayman Islands, Attorneys-at-law for and on behalf of the Plaintiffs whose address for service is that of their said Attorneys-at-law.