

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE NO. FSD [205] OF 2018

IN THE MATTER OF a Deed of Settlement dated 7 September 2007

AND IN THE MATTER OF the Trusts Law (2018 Revision) and GCR Order 85, Rule 7

BETWEEN:



A
(as Trustee of the B Trust)



- (1) C (in their capacity as a beneficiary and also as Protector of the B Trust)
- (2) D
- (3) E (a minor)
- (4) F (a minor)

Defendants

ORIGINATING SUMMONS

LET ALL PARTIES CONCERNED attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the ___ day of _____ 2018, at ___ o'clock.

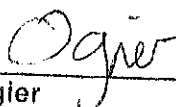
By this Originating Summons, which is issued on the application of the Plaintiff, A, as trustee of The B Trust (the "Trust"), against the Defendants (who are the beneficiaries and the Protector of the Trust), the Plaintiff seeks directions pursuant to s.48 of the Trusts Law (2018 Revision) and/or GCR Order 85 and/or the inherent jurisdiction of the Court that:

- (1) The Plaintiff be permitted to incur costs out of the Trust, with respect to G, an asset of the B Trust ("G") for the following:
 - a. A review and consideration of the English court proceedings and underlying documents which have been served on G (the "English Proceedings");

- b. to the extent possible based on the records of G, and the Plaintiff as Trustee of the Trust, an investigation of the factual position relevant to the English Proceedings, and any further potential related claims (that may be brought by the same claimant as in the English Proceedings) in relation to G or any of the other Trust assets;
 - c. the taking of legal advice as to the available options regarding the English Proceedings;
 - d. by the English Proceedings court deadline, making an application to challenge jurisdiction in the English Proceedings;
 - e. filing a defence in the English Proceedings; and
 - f. forming a view on the strategy in the English Proceedings.
- (2) A representation order in respect of the Second to Fourth Defendants.
 - (3) All further and necessary orders and directions as the Court shall think fit, including, if necessary, directions as to service and/or notification of these proceedings.
 - (4) The Parties be at liberty to apply for further or other relief.
 - (5) The Parties' costs of these proceedings to be paid out of the Trust fund on an indemnity basis.

AND LET THE DEFENDANTS within 28 days after service of this Summons on them counting the day of service, return the accompanying Acknowledgement of Service to the Courts office.

Dated the 29th day of October 2018



Ogier
Attorneys for the Plaintiff

TIME ESTIMATE: The estimated length of the hearing of this Summons is 3 hours.

NOTES:-

- (1) This Summons may not be served later 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with 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 Acknowledgement of Service are given with the accompanying form.

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, 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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BETWEEN:

A
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Plaintiff

AND:

- (1) C (In their capacity as a beneficiary and also as Protector of the B Trust)
- (2) D
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- (4) F (a minor)

Defendants

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.

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

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

yes

no

Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

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.

Ogier
89 Nexus Way
Camana Bay
Grand Cayman KY1-9009
Cayman Islands
Ref: RAR/SHU/426380.00001

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]