

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE NO: FSD [229] OF 2018 (RMJ)

BETWEEN: (1) CHINT ELECTRICS (HONG KONG) LIMITED

PLAINTIFF

(SUING ON BEHALF OF ITSELF AND ALL
SHAREHOLDERS IN THE FIRST DEFENDANT, OTHER
THAN THE THIRD AND FIFTH DEFENDANTS AND THEIR
ASSOCIATES)

AND:

- (1) AMPNOVA CORPORATION
- (2) TERENCE TAN
- (3) YUQING XU
- (4) BAOYI TONG
- (5) IPV CAPITAL II HK LIMITED



DEFENDANTS

WRIT OF SUMMONS

TO: Ampnova Corporation of PO Box 309 Ugland House, Grand Cayman KY1-1104.

Terence Tan of No. 28 Villa Riviera, 588 East Xulian Road, Shanghai, People's Republic of China and Room 2204, Platinum Building No. 233 TaiCang Road, Shanghai 200020, People's Republic of China.

Yuqing Xu of 12167 Kate Drive, Los Altos Hills, California, 94022, United States of America.

Baoyi Tong of Unit 26F, Bldg 3, 1 South Shoupakou Street, Xicheng District, Beijing, 100055, People's Republic of China and No. 1023, Building 13, Aiminli, Xicheng District, Beijing City, People's Republic of China.

IPV Capital II HK Limited of Room 1901, 19/F, Lee Garden One, 33 Hysan Avenue, Causeway Bay, Hong Kong.

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 after the service of this Writ on the First Defendant, and within 28 days (or as otherwise ordered by the Court) after the service of this Writ on the Second to Fifth Defendants, counting the day of service, the Defendants must either satisfy the claim or return to the Court Office, PO Box 495, George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or return the Acknowledgement 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 7th day of December 2018.

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 Acknowledgement of Service are given with the accompanying form.

GENERAL INDORSEMENT

The Plaintiff claims relief as follows arising from the purported transfer of the share in AmpNova (HK) Limited by the First Defendant to the Fifth Defendant on 31 January 2018:

- (1) A declaration nullifying and an order setting aside the creation of the security and therefore the transfer of AmpNova (HK) Limited ("**AmpNova HK**") by the First Defendant to the Fifth Defendant on 31 January 2018 and any subsequent dealings by the Fifth Defendant with respect to AmpNova HK;
- (2) An order that the First Defendant is the sole legal and beneficial owner of AmpNova HK and that at all material times, the Fifth Defendant is or was holding the shares of AmpNova HK on trust for the First Defendant since 31 January 2018;
- (3) An order that the Fifth Defendant execute or cause to be executed all documents necessary for the transfer of the shares of AmpNova HK to the First Defendant and deliver such documents to the Plaintiff within 7 days of the date of the order;
- (4) An order that in the event that the Fifth Defendant does not comply with the order set out in paragraph (3) above, the Registrar of the High Court or any other person or authority so authorised under the law of the Cayman Islands, be authorised pursuant to section 11(1) of the Grand Court Law (2015 Revision), on the written request of the Plaintiff, to execute without further order, an instrument of transfer of the shares of AmpNova HK to deliver the same to the Plaintiff;
- (5) A declaration that any sums held by the Fifth Defendant (or by any person on behalf of the Fifth Defendant) in respect of dividends, interests and payments received since 31 January 2018 from AmpNova HK are held for and on behalf of the First Defendant;
- (6) An order that the Fifth Defendant do pay to the First Defendant an amount equal to the sum referred to in paragraph (5) above;
- (7) Damages and all necessary accounts of profits and inquiries;

- (8) An order that the First Defendant do indemnify the Plaintiff in respect of the costs and expenses incurred by it in these proceedings;
- (9) An order that the Second to Fifth Defendants pay the costs of these proceedings; and
- (10) Such further or other relief as the Court thinks fit.

WALKERS

Attorneys-at-Law for the Plaintiff

This **WRIT OF SUMMONS** was issued by Walkers, Attorneys-at-Law, 190 Elgin Avenue, George Town, Grand Cayman KY1-9001, Cayman Islands, for the Plaintiff whose address for service is care of its said Attorneys-at-Law.

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE 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 Courts Office, P.O. Box 495, 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 Plaintiffs (or on the Plaintiffs 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

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

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AND:

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(5) IPV CAPITAL II HK LIMITED

DEFENDANTS

**ACKNOWLEDGMENT 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 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.

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

yes

no

4. 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

(Signed) _____

Attorney for

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 Plaintiffs' Attorney (or by Plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Walkers
Attorneys at Law
190 Elgin Avenue
George Town
Grand Cayman KY1-9001

Ref: TSH/RF/H17059

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

