

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE NO: FSD ²²⁸ OF 2018 ()

BETWEEN:

THE CHILDREN'S INVESTMENT FUND

Plaintiff

AND

TCI ADVISORY SERVICES LLP

First Defendant

ALEXANDER BARING

Second Defendant



ORIGINATING SUMMONS

TO: TCI Advisory Services LLP of 7 Clifford Street, London, W1S 2FT, United Kingdom

AND TO: Alexander Baring of 7 Clifford Street, London, W1S 2FT, United Kingdom

LET THE DEFENDANTS, within 14 days after service of this Summons on it, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495G, George Town, Grand Cayman.

By this Originating Summons, which is issued on the application of The Children's Investment Fund (the "**Company**"), whose registered office is at Maples Corporate Services Limited, P.O. Box 309, Ugland House, South Church Street, George Town, Grand Cayman, KY1-1104, Cayman Islands, the Plaintiff seeks orders that:

- 1 Pursuant to section 46 of the Companies Law (2018 Revision) the Register of Members of the Company ("**Register**") may be rectified so as to record that the class of shares issued to TCI Advisory Services LLP on 1 April 2016 (with investment profile ID 42-169309-265276), on 1 February 2017 (with investment profile ID 42-169309-289278), on 1 April 2017 (with investment profile ID 42-169309-293476) and on 1 February 2018 (with investment profile ID 42-169309-315184), and any such shares which were subsequently transferred to Alexander Baring,

THIS ORIGINATING SUMMONS was issued by Maples and Calder, attorneys for the Plaintiff, whose address for service is PO Box 309, Ugland House, Grand Cayman, KY1-1104, Cayman Islands. (Ref: JSE/PYS/602753.04/56462508)

were not USD Distributing Management Shares (RB), which in fact did not exist, but were USD Management Shares (RB), and the Company may be authorised to effect the necessary alterations in the Register for carrying such Order into effect.

2 Such further or other relief as the Court thinks fit.

If a Defendant does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient

DATED this 7th day of December 2018



Maples and Calder

NOTE - This Summons 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 that date unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

Acknowledgement of service of originating summons (0.10, r.5)

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, P.O. Box 495G, 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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THE CHILDREN'S INVESTMENT FUND

Plaintiff

AND

TCI ADVISORY SERVICES LLP

First Defendant

ALEXANDER BARING

Second Defendant

**ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING 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.

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.

Please complete overleaf

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

Maples and Calder
PO Box 309
Ugland House
George Town
Cayman Islands
KY1-1104
(Ref: JSE/PYS/602753.04/56462508)

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

