

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION



IN THE MATTER OF SECTION 11A OF THE GRAND COURT LAW (2015 REVISION)

CAUSE NO: FSD <sup>239</sup> of 2018 ( )

BETWEEN

KOSMOS CAPITAL PTY LTD

PLAINTIFF

AND

TURIYA VENTURES LTD

DEFENDANT



ORIGINATING SUMMONS

**TO:** TURIYA VENTURES LTD of Campbells Corporate Services Limited, Floor 4, Willow House, Cricket Square, Grand Cayman, KY1-9010, Cayman Islands

**LET THE DEFENDANT** within 28 days after service of this summons on it counting the day of service, return the accompanying Acknowledgement of Service to the Courts office, PO Box 495, George Town, Grand Cayman.

By this Originating Summons, which is issued on the application of the Plaintiff, Kosmos Capital Pty Ltd of 14 Prince Street, Busselton WA 6280, the Plaintiff seeks the following relief:

1. **DISPOSAL OF ASSETS**

- (1) An Order that until the return date or further Order of the Court, the Defendant must not in any way dispose of or deal with or diminish the value of any of the assets referred to below, whether they are inside or outside the Cayman Islands, namely: -
  - a. Any cryptocurrency tokens and/or the rights to and/or interest in the same, including but not limited to the cryptocurrency tokens known as Grams (in the amount of 5,927,518.84 Grams) issued by TON Issuer Inc and/or Telegram Group Inc or any rights to receive Grams, which were purchased with or are otherwise attributable to the payments made by Jetmax to the Defendant pursuant to the contract between them dated 15 February 2018;
  - b. Any and all other assets of the Defendant wherever located up to a value of US\$3,000,000;(together, the "**Relevant Assets**").

- (2) The Order shall apply to assets (whether or not specifically listed) whether or not they are in the Defendant's own name and whether they are solely or jointly owned. For the purpose of the Order the Defendant's assets include any asset which it has the power, directly or indirectly, to dispose of or deal with as if it were its own. The Defendant is to be regarded as having such power if a third party holds or controls the asset in accordance with his direct or indirect instructions.
- (3) This prohibition to cover dealings with Relevant Assets of any kind including the following in particular:
- a) any sale, transfer, mortgage or assignment of any of the Relevant Assets.
  - b) any redemption or transfer of the shares of the Defendant; and
  - c) any disposal of or dealing with the cryptocurrency which were purchased with or are otherwise attributable to payments made Cosmos to the Defendant.

## 2. **DISCLOSURE OF INFORMATION**

- (1) An order that Defendant must inform the Plaintiff in writing by 4.30pm on the day after service of the order inform the Plaintiff's attorneys of all his assets worldwide exceeding US\$1,000 in value whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets.
- (2) An order that within 7 working days after being served with the order, the Defendant must swear and serve on the Plaintiff's attorneys an affidavit setting out the above information. Such affidavit must be sworn by the Defendant's proper officer exhibiting any account statements and/or material contracts relied upon by the Defendant in support of its averments.
- (3) In particular, the Defendant to be ordered to provide the Plaintiff with a copy of the agreement between it and TON Issuer and/or Telegram Group for purchase of Grams (the **Grams Purchase Agreement**) and provide the Plaintiff with detailed information as to when and how Grams issued under that contract will be transferred to the Defendant and how those Grams are to be held by the Defendant.
3. Further or other relief.
4. Liberty to apply.

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

Dated this 21<sup>st</sup> day of December 2018

  
APPLEBY (CAYMAN) LTD.

**NOTES:**

1. 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 the 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.

**FILED** by Appleby (Cayman) Ltd., Attorneys-at-Law for the Plaintiffs, whose address for service is that of their said Attorneys-at-Law, namely 75 Fort Street, PO Box 190 GT, Grand Cayman KY1-1104, Cayman Islands (Ref. 444194//PK/AM)

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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**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.

Appleby (Cayman) Ltd  
Paul Kennedy  
71 Fort Street, PO Box 190  
Grand Cayman KY1-1104  
Cayman Islands  
Ref: 444194.0001

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

[Empty box for defendant's indorsement]