

IN THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

FSD CAUSE NO 107 OF 2019

IN THE MATTER OF ABRAAJ INVESTMENT MANAGEMENT LIMITED (IN PROVISIONAL LIQUIDATION)

AND IN THE MATTER OF A DIRECTOR'S SERVICES DEED BETWEEN ABRAAJ INVESTMENT MANAGEMENT LIMITED AND MARK SKELTON

BETWEEN:



MARK SKELTON



Plaintiff

-and-



ABRAAJ INVESTMENT MANAGEMENT LIMITED  
(IN PROVISIONAL LIQUIDATION)

Defendant

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ORIGINATING SUMMONS

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**TO: Abraaj Investment Management Limited (in Provisional Liquidation)** [f/k/a Abraaj Capital (Cayman) Limited] at its registered office, Deloitte & Touche, P.O. Box 1787 GT, Citrus Grove Building, Goring Ave, George Town, Grand Cayman, Cayman Islands KY1-1109 Cayman Islands Attn: The Joint Provisional Liquidators appointed by the Grand Court of the Cayman Islands on 18 June 2018, Messrs. Stuart Keith Sybersma and David Soden.

**LET THE DEFENDANT**, within 14 days after service of this Summons on him, 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 Summons, which is issued on the application of Mark Skelton of Duff & Phelps Limited, The Shard, 32 London Bridge Street, London SE1 9SG, United Kingdom, the Plaintiff claims against the Defendant Orders (i) that the Defendant do within fourteen (14) days produce to the Plaintiff for inspection and copying all documents held by the Defendant, whether in physical or electronic form, containing any information relating to the property, business or affairs of IGCF General Partner Limited and/or the Infrastructure and Growth Capital Fund L.P. in the period since 1 January 2006 and (ii) all such other orders, directions or relief as may be necessary or appropriate to make such Orders effective or (iii) such further or other Orders as may seem just or appropriate on the grounds that the Plaintiff is entitled to the same pursuant to the terms of a Director Services Deed executed by, amongst others, the Plaintiff and the Defendant in September 2018.

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

**AND LET THE DEFENDANT within 14 days after service of this summons on him counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office.**

**DATED** this 17<sup>th</sup> day of June 2019

  
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**RITCH & CONOLLY**

**Attorneys-at-Law for the Plaintiff**

**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 the above date unless renewed by order of the court.

**IMPORTANT**

Directions for Acknowledgement of Service are given with the accompanying form

This Originating Summons was issued by Ritch and Connolly, attorneys-at-law for the Plaintiff whose address for service is 4F, Queensgate House, 113 South Church Street, Grand Cayman, Cayman Islands, KY1-1104.

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**AND IN THE MATTER OF A DIRECTOR'S SERVICES DEED BETWEEN ABRAAJ INVESTMENT MANAGEMENT LIMITED AND MARK SKELTON**

**BETWEEN:**

**MARK SKELTON**

**Plaintiff**

**-and-**

**ABRAAJ INVESTMENT MANAGEMENT LIMITED  
(IN PROVISIONAL LIQUIDATION)**

**Defendant**

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**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE OF  
ORIGINATING SUMMONS**

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The accompanying form of Acknowledgement 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 498G, George Town, Grand Cayman.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement 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 acknowledgement 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 authorized to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney 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:

MARK SKELTON

Plaintiff

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ABRAAJ INVESTMENT MANAGEMENT LIMITED  
(IN PROVISIONAL LIQUIDATION)

Defendant

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ACKNOWLEDGEMENT OF SERVICE OF  
ORIGINATING SUMMONS

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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.

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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).
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Yes

No

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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.

**RITCH & CONOLLY**, attorneys-at-law for the Plaintiff whose address for service is 4F, Queensgate House, 113 South Church Street, Grand Cayman, Cayman Islands, KY1-1104. Tel: +1 345 949 7366 Attn: Cherry Bridges and David Collier

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