

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE NO. FSD 155 of 2019 (NSJ)

IN THE MATTER OF THE Q TRUST
AND IN THE MATTER OF SECTION 48 OF THE TRUST LAW

BETWEEN:



ST LIMITED
(in its capacity as trustee of the Q Trust)

- and -

RS



Plaintiff

Defendant

ORIGINATING SUMMONS

LET THE DEFENDANT, in a personal capacity and as representative of all persons who are or may be interested in or affected by this originating summons attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on the day of 2019 at am/pm on the hearing of an application by the Plaintiff the details of which are set out in this originating summons.

AND LET THE DEFENDANT, within 28 days after service of this originating summons on the defendant, counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office, P.O. Box 495G, George Town, Grand Cayman.

By this Originating Summons, which is issued by ST Limited (the **Trustee**) as trustee of a Cayman Islands law trust established by written declaration of trust (the '**Declaration of Trust**') and known as 'the Q Trust', the Plaintiff seeks the following declarations and orders:

- 1 A declaration that on the true construction of the Declaration of Trust and under the law of the Cayman Islands the Q Trust is a duly and properly constituted trust which is governed by the law of the Cayman Islands;

- 2 A declaration that on the true construction of the Declaration of Trust and under the law of the Cayman Islands that the Q Trust is a fully discretionary trust and the discretionary beneficiaries of the Trust do not have any fixed entitlement to receive either the income or the capital of the Trust;
- 3 A declaration that on the true construction of the Declaration of Trust and under the law of the Cayman Islands RS, as one of the discretionary beneficiaries of the Trust, has no proprietary interest (whether of a legal or equitable nature) in the assets held within the Q Trust, and in particular RS has no proprietary interest (whether of a legal or equitable interest) in the shares in YZ Limited held within the Trust;
- 4 The orders at paragraph 1 of the previous orders made by this Court in respect of the confidentiality of the proceedings on 10 October 2019 (the **Confidentiality Order**) be continued until further order (save in relation to the order sought at paragraph 5 of this originating summons);
- 5 The Trustee do provide a sealed copy of any order made by the Court dealing with the relief sought in paragraphs 1 to 3 of this originating summons to the legal representatives of YZ Limited for the purpose of the order being used for the purposes as fully described in the affidavit in support of this originating summons.
- 6 The Trustee be permitted to take any or all of the steps as will be set out in a proposed Appendix to the orders sought, which the Trustee deems appropriate, and the Trustee be indemnified out of the assets of the Trust in respect of its fees, expenses, disbursements and other charges incurred in that regard.
- 7 The permission to take any or all of the steps as described in paragraph 6 of this originating summons shall continue until discharged or varied by further order, and the Trustee shall not be liable for the exercise in good faith of the said permission.
- 8 In the event that the Trustee takes certain steps, as described in the affidavit in support of this originating summons, the Trustee shall as soon as reasonably practicable thereafter apply to this Court for further directions.

- 9 The Trustee be indemnified out of the assets of the Q Trust in respect of its costs of the originating summons.

Dated this 28th day of October 2019

Harney Westwood & Riegels

Harney Westwood & Riegels

Attorneys for the Plaintiff

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

THIS ORIGINATING SUMMONS was filed by Harney Westwood & Riegels, Attorneys-at-Law for the Plaintiff, whose address for service is 3rd Floor, Harbour Place, 103 South Church Street, PO Box 10240, Grand Cayman KY1-1002, Cayman Islands (Ref: CXM/JGW/052092.0002).