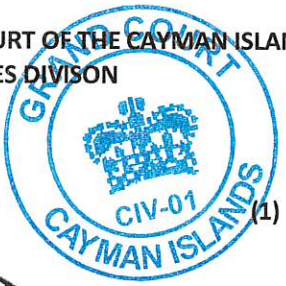


IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

CAUSE NO. FSD 112 OF 2020 ( )

BETWEEN:



(1) GUY KWOK-HUNG LAM  
(2) CP GLOBAL INC

PLAINTIFFS

AND

(1) TOR ASIA CREDIT MASTER FUND LP  
(2) JOHN HOWARD BATCHELOR  
(3) ANDREW MORRISON



DEFENDANTS



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ORIGINATING SUMMONS

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TO:

1. **Tor Asia Credit Master Fund LP**, Intertrust Corporate Services (Cayman) Limited, 190 Elgin Avenue, George Town, Grand Cayman, KY1-9005
2. **John Howard Batchelor**, FTI Consulting (Hong Kong) Limited of Level 35, Oxford House, Taikoo Place, 979 King's Road, Quarry Bay, Hong Kong SAR;
3. **Andrew Morrison**, FTI Consulting (Cayman) Limited of Suite 3212, 53 Market Street, Camana Bay, PO Box 30613, Grand Cayman, KY1-1203

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

This Originating Summons is issued on the application of the Plaintiffs, **Guy Kwok-Hung Lam**, of 3202, Tower 2, Lippo Center, 89 Queensway, Admiralty, Hong Kong SAR and **CP Global Inc**, c/o Vistra (Cayman) Limited, Grand Pavilion, Hibiscus Way, 802 West Bay Road, PO Box 31118, Grand Cayman, Cayman Islands for the following orders:

1. A declaration that the purported appointments by the First Defendant of the Second and Third Defendants as joint and several receivers and managers over the following property, are invalid:

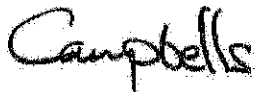
- a. 100% of the shares issued by the Second Plaintiff and held by the First Plaintiff, pursuant to an equitable mortgage dated 11 July 2017 entered into between the First Plaintiff and the First Defendant;
- b. All assets of the Second Plaintiff (excluding the Excluded Assets, as that term is defined in the debenture), pursuant to a debenture dated 11 July 2017 between the Second Plaintiff and the First Defendant; and
- c. 100% of the shares issued by CP Assets Limited and held by the Second Plaintiff, pursuant to an equitable mortgage dated 12 August 2019 entered into between the Second Plaintiff and the First Defendant.

(collectively, the "**Charged Assets**")

2. A declaration that any actions taken or rights exercised by the Second and Third Defendants in reliance on their purported appointment as receivers and managers of the Charged Assets, are ineffective and unenforceable.
3. An order that the costs of and incidental to this application be paid by the Defendants.
4. Such further or other relief as this Honourable Court shall deem appropriate.

If the Defendants do not acknowledge service, such judgment may be given or order made against them or in relation to them as the court may think just and expedient.

Dated the 1<sup>st</sup> day of June 2020



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**Campbells**  
Attorneys for the Plaintiffs

**NOTE:** This Originating Summons may be served no later than 4 calendar months (or if leave is required to effect service out of the jurisdictions, 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.

2

This **ORIGINATING SUMMONS** is issued by Campbells, Attorneys for the Plaintiffs, whose address for service is Floor 4 Willow House, Cricket Square, George Town, Grand Cayman (Ref :JGM/DMP/HBK/18731-33013)

**Acknowledgment of service of originating summons (O.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 495GT, George Town, Grand Cayman.

**Noted 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, an originating summons 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.

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION**

FSD NO.                      OF 2020 (       )

**BETWEEN:**

(1) GUY KWOK-HUNG LAM  
(2) CP GLOBAL INC

**PLAINTIFFS**

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**DEFENDANTS**

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**ACKNOWLEDGMENT 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.

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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 or 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.

**CAMPBELLS  
FLOOR 4, WILLOW HOUSE  
GEORGE TOWN  
GRAND CAYMAN KY1-9010  
CAYMAN ISLANDS  
(REF: JGM/DMP/HBK/18731-33013)**

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

