



) COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE No. FSD of 2021 ()

IN THE MATTER OF THE TRUSTS ACT (2021 REVISION)

AND IN THE MATTER OF THE ROGER TRUST

BETWEEN:

BERTRAND STERN

Plaintiff

-and-

PHILIPPE MICHEL

(in his capacity as Protector of the Roger Trust)

First Defendant

-and-

SCOTIABANK & TRUST (CAYMAN) LIMITED

(in its capacity as Trustee of the ROGER TRUST)

Second Defendant

ORIGINATING SUMMONS

TO: Philippe Michel
c/o Bedell Cristin
Suite 5305, 18 Forum Lane
Camana Bay, Grand Cayman
Cayman Islands

AND TO: Scotiabank & Trust (Cayman) Limited
18 Forum Lane, 2nd Floor
Camana Bay, Grand Cayman
Cayman Islands

LET ALL DEFENDANTS, within 14 days after service of this Originating Summons, counting the day of service return the accompanying Acknowledgement of Service to the Courts office, PO Box 495G, George Town, Grand Cayman, Cayman Islands.

By this Originating Summons, which is issued on the application of Bertrand Stern of 138 Andrew Drive, Snug Harbour, Grand Cayman, Cayman Islands, the Plaintiff seeks, pursuant to the inherent jurisdiction of the Court, the following Orders:

1. That the First Defendant be removed from the office of Protector the Roger Trust;
2. That Genesis Trust or Cayman Fiduciary be appointed as Protector of the Roger Trust in the place of the First Defendant;
3. That the exercise of the First Defendant's power to remove the Second Defendant as Trustee of the Roger Trust, by deed dated 24 August 2021, be set aside;
4. That the First Defendant do pay the Plaintiff's costs of this action or alternatively that those costs should be paid out of the assets of the Roger Trust.

DATED this 15th day of October 2021



DENTONS
Attorneys for the Plaintiff

NOTES:-

(1) This Summons may not be served later than 4 calendar 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 Acknowledgment of Service are given with the accompanying form.

THIS ORIGINATING SUMMONS was filed by Dentons, Attorneys-at-Law for the Plaintiff herein whose address for service and correspondence is that of its said Attorneys-at-Law, 3rd Floor, One Capital Place, Shedden Road, George Town, Grand Cayman

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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE No. FSD of 2021 ()

IN THE MATTER OF THE TRUSTS ACT (2021 REVISION)

AND IN THE MATTER OF THE ROGER TRUST

BETWEEN:

BERTRAND STERN

Plaintiff

-and-

PHILIPPE MICHEL

(in his capacity as Protector of the Roger Trust)

First Defendant

-and-

SCOTIABANK & TRUST (CAYMAN) LIMITED

(in its capacity as Trustee of the ROGER TRUST)

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.

Dentons
3rd Floor, One Capital Place
Shedden Road, Po Box 10190
George Town, Grand Cayman
Cayman Islands, KY1-1002

Attn: Michael Wingrave

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 attorney indorsement]