



**COURT OF THE CAYMAN ISLANDS
SERVICES DIVISION**

CAUSE NO: FSD OF 2021 ()

AO TRUST COMPANY

(a company incorporated in the Cayman Islands)

Plaintiff

AND

- (1) THE ESTATE OF MANSOUR OJJEH (DECEASED)**
- (2) TWENTY-FIRST CENTURY TRUST COMPANY**

Defendants

WRIT OF SUMMONS

TO: (1) The Estate of Mansour OjjeH (Deceased)

**(2) Twenty-First Century Trust Company of PO Box 309, UglanD House, Grand Cayman
KY1-1104, Cayman Islands**

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 14 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Registrar of the Financial Services Division, Court Office, PO Box 495, George Town, Grand Cayman, KY1-1106, Cayman Islands, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff[s] may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 28th day of October 2021.

THIS WRIT was issued by Carey Olsen, attorneys for the Plaintiff, whose address for service is PO Box 10008, Willow House, Cricket Square, Grand Cayman KY1-1001, Cayman Islands.

NOTE - This Writ 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 date of issue unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

GENERAL ENDORSEMENT

- 1 The Plaintiff has since 2013 been the sole trustee of the trust established by a deed of trust dated 21 November 1985 and known as the Akram Ojje Trust (the "**Trust**").
- 2 Mansour Akram Ojje ("**Mansour**") was, until his death on 6 June 2021, one of the directors of the Plaintiff. Prior to 2013 (and after the death of the settlor of the Trust) Mansour was (with others) a trustee of the Trust.
- 3 Mansour's Estate is therefore named as the First Defendant pursuant to GCR O.15, r.6A, pending the appointment of a representative by the Grand Court or the addition of a personal representative appointed to the Estate pursuant to GCR O.15, r.6A(4).
- 4 Twenty-First Century Trust Company, the Second Defendant, is the trustee of the Mansour Ojje Trust (the "**MAO Trust**") being a settlement established by Mansour for the benefit of his family.
- 5 The assets of the Trust comprise, inter alia, the entire shareholding of TAG Group Limited and various subsidiaries or affiliates.
- 6 On or around 13 July 2012, TAG Group Limited entered into a Declaration of Trust (the "**2012 Declaration**"), concerning profit sharing arrangements which benefited Mansour (who was then a trustee of the Trust).
- 7 On or around 30 October 2015, TAG Group Limited entered into instruments of Revocation of Declarations of Trust and new Declarations of Trust (together the "**2015 Declarations**"), concerning profit sharing arrangements which, *inter alios*, would have benefited Mansour but at his request benefited the MAO Trust, being a settlement established by Mansour for the benefit of his family.
- 8 In approving the 2015 Declarations, Mansour was as a director of the Trustee in breach of his fiduciary duty (owed to the Trustee) because the declarations were in violation of the rule against a fiduciary making a profit from his fiduciary position and/or putting himself in a position where his personal interest and fiduciary duties conflicted and/or similar rules.

- 9 Further, and in the alternative, Mansour was, as a director of the Trustee, in breach of his fiduciary duty owed to the Trustee in that he failed:
- 9.1 To procure or take steps to procure or recommend that the Trustee adequately supervised (and/or failed himself to supervise) TAG Group Limited and/or other companies owned or controlled by TAG Group Ltd and/or forming part of the assets of the Trust; and/or
- 9.2 Adequately to draw facts and matters of which he was aware and of which the Trustee needed to be aware in order adequately to supervise the various companies (including the 2012 Declaration and the 2015 Declarations) to the attention of the Trustee / its board; and/or
- 9.3 To procure or take steps to procure or recommend that the Trustee reviewed (and/or failed himself as a director to review) the position and affairs of the various companies including the 2012 Declaration and the 2015 Declarations; and/or
- 9.4 To procure or take steps to procure or recommend that the Trustee should take appropriate action as regards the 2015 Declarations before they were made and/or pursue claims as regards the 2012 Declaration.
- 10 By reason of the foregoing:
- 10.1 Mansour's estate (and/or his heirs) and/or the MAO Trust are liable to account for and/or disgorge the benefit of the 2012 Declaration and the 2015 Declarations; and/or
- 10.2 Mansour's estate is liable to pay compensation for the said breaches.

And the Plaintiff claims:

- (1) Against the First Defendant and the Second Defendant, an account of the benefit of the 2012 Declaration and the 2015 Declarations and payment of such of the sums found on the taking of that account as may be appropriate;
- (2) Against the First Defendant compensation for breach of fiduciary duty.

- (3) All necessary accounts and inquiries;
- (4) Further and other relief.
- (5) Interest.
- (6) Costs.

DATED this 29th day of October 2021



Attorneys-at-law for the Plaintiff

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

- 11 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, PO Box 495G, George Town, Grand Cayman, KY1-1106, Cayman Islands.

- 12 A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings must also serve a Defence on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his Defence within the appropriate time, the Plaintiffs may enter judgment against him without further notice.

- 13 A Stay of Execution against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, issue a Summons for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See overleaf for Notes for Guidance

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 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.
- 3 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 Writ of Summons)".
- 4 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.
- 5 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.
- 6 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.
- 7 Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
- 8 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 ()

BETWEEN:

AO TRUST COMPANY

(a company incorporated in the Cayman Islands)

Plaintiff

AND

(1) THE ESTATE OF MANSOUR OJJEH (DECEASED)

(2) TWENTY-FIRST CENTURY TRUST COMPANY

Defendants

**ACKNOWLEDGMENT OF SERVICE
OF WRIT OF 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.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

yes no

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (tick box)

yes no

Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

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.

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

Carey Olsen PO Box 10008 Willow House Cricket Square Grand Cayman KY1-1001 Cayman Islands
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Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

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