

IN THE GRAND COURT OF THE CAYMAN ISLANDS

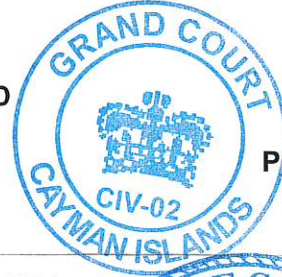
FINANCIAL SERVICES DIVISION

CAUSE NO FSD⁹¹ OF 2020 ()

IN THE MATTER OF SECTION 93 OF THE COMPANIES LAW (2020 REVISION)
AND IN THE MATTER OF ORDER 29 OF THE GRAND COURT RULES

BETWEEN:

- (1) RESERVATION S30 LIMITED
- (2) RESERVATION FINANCE LIMITED
- (3) INVESTCORP HOLDINGS B.S.C.



Plaintiffs

AND:

KHALAF BIN AHMED KHALAF AL OTAIBA



Defendant



ORIGINATING SUMMONS

To: Khalaf Ahmed Khalif Al-Otaiba, Emirate of Sharjah, Buhaira Corniche, Al Batha Tower, 10th floor, Office No. 1003

LET THE DEFENDANT, within 28 days after service of this Summons on him, counting the day of service, return the accompanying Acknowledgment of Service to the Court Office, PO Box 495, George Town, Grand Cayman KY1-1104.

By this Summons, which is issued on the application of the Plaintiffs (1) Reservation S30 Ltd, (2) Reservation Finance Ltd and (3) Investcorp Holdings B.S.C, c/o Walkers, 190 Elgin Avenue, George Town, Grand Cayman KY1 9001, Cayman Islands, the Plaintiffs seek:

1. A declaration that the subject matter of the Abu Dhabi Proceedings (as defined in the First Affidavit of Mark Horncastle in these proceedings) are disputes within the exclusive jurisdiction of the courts of the Cayman Islands pursuant to the unnumbered penultimate

clause of the written Share Purchase Agreement dated 28 February 2008 entered into between the First and Second Plaintiffs and the Defendant (the "SPA").

2. A declaration that the commencement and continuation of the Abu Dhabi Proceedings constitutes a breach by the Defendant of the SPA and/or, in any event, the Abu Dhabi Proceedings are vexatious and oppressive.
3. A final injunction against the Defendant that he shall, if he has not already done so, terminate or otherwise finally discontinue the Abu Dhabi Proceedings without any cost to the Plaintiffs.
4. A final injunction against the Defendant that he shall not (whether by himself or his agents) pursue, or take any further steps in, or procure or assist the pursuit of the Abu Dhabi Proceedings;
5. A final injunction against the Defendant that he shall not (whether by himself or his agents) commence or pursue, or procure or assist the commencement or pursuit of, any proceedings in connection with any dispute or disagreement under, arising out of, or relating to the SPA, in any court or tribunal other than in the courts of the Cayman Islands.
6. An order that the Defendant shall pay as damages the Plaintiffs' costs and expenses of and occasioned by the Abu Dhabi Proceedings on the indemnity basis, with interest at a rate of 2.375%; such interest to run from the date the Abu Dhabi Proceedings were commenced (9 February 2020) until payment in full. Such damages shall be taxed on the indemnity basis if not agreed, and shall not be limited to the costs and disbursements of Al Tamimi & Company but may include the costs and disbursements of Walkers and Gibson Dunn & Crutcher LLP.
7. Such further or other reliefs as this Court considers just.
8. An order that the Defendant shall pay the Plaintiffs' costs of and occasioned by this Summons on the indemnity basis, to be taxed if not agreed.

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

Dated this 8th day of May 2020

Walkers

Walkers
190 Elgin Avenue
George Town
Grand Cayman
KY1-9001

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.

IMPORTANT

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

~~This Originating Summons was issued by Walkers, Attorneys at Law, 190 Elgin Avenue, George Town, Grand Cayman KY1-9001, for the Plaintiffs whose address for service is care of its said Attorneys at Law.~~

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE NO FSD OF 2020 ()

BETWEEN:

- (1) RESERVATION S30 LIMITED
- (2) RESERVATION FINANCE LIMITED
- (3) INVESTCORP HOLDINGS B.S.C.

PLAINTIFFS

AND:

KHALAF BIN AHMED KHALAF AL OTAIBA

DEFENDANT

BETWEEN:

**ACKNOWLEDGEMENT 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

Please complete overleaf

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.

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

Walkers
Attorneys at Law
190 Elgin Avenue
George Town KY1-9001, Grand Cayman

Ref: SW/JT-10751.162927

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

**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, PO Box 495GT, 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 28 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.