



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

CAUSE NO. FSD OF 2021

BETWEEN

SHENG LU

PLAINTIFF

AND

BVCF MANAGEMENT LIMITED

DEFENDANT

ORIGINATING SUMMONS

TO:

BVCF Management Limited, Walkers Corporate Services Limited, 190 Elgin Avenue, George Town, Grand Cayman KY1-9008, Cayman Islands

LET THE DEFENDANT, 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, PO Box 495G, George Town, Grand Cayman.

This Originating Summons is issued on the application of **Sheng Lu**, c/o Harney Westwood & Riegels, 3rd Floor, Harbour Place, 103 South Church Street, PO Box 10240, KY1-1002, Grand Cayman, Cayman Islands for the following orders:

1. A declaration that the Plaintiff is entitled to 5% of the carried interest payable to the Defendant from BVCF III, L.P.
2. An order, by way of specific performance of Schedule 2, Part III of the Employment Contract between the Plaintiff and the Defendant dated 1 May 2014 (the

Employment Contract) directing the Defendant to pay the Plaintiff 5% of the carried interest paid to the Defendant by BVCF III L.P.

3. In the alternative to the order sought at paragraph 2 above, an order directing the Defendant to pay the Plaintiff 5% of the carried interest paid to the Defendant by BVCF III L.P. by way of damages for breach of Schedule 2, part III of the Employment Contract and of the statutory duty under section 6 of the Labour Act (2021 Revision).
4. An order that the Defendant disclose to the Plaintiff the following documents, and/or any other documents that this Court deems fit, to enable him to calculate the amount due to him pursuant to the orders sought at paragraphs 2 and 3 above:
 - i. True copies of the Shareholders' Agreement and the Deed of Adherence referred to in the Employment Contract;
 - ii. Financial statements of BVCF III, L.P. from its registration on 24 May 2012 to year-end 2020;
 - iii. Financial statements of BVCF III, L.P. for year-end 2021, when available; and
 - iv. Financial statements of BVCF III, L.P. for year-end 2022, when available.
5. Liberty to apply to this Honourable Court for an assessment of damages in the event that the Plaintiff and the Defendant do not agree the amount payable to the Plaintiff pursuant to the orders sought at paragraphs 2 and 3 of this Originating Summons.
6. Interest.
7. An order that the costs of and incidental to this application be paid by the Defendant.
8. Such further or other relief as this Honourable Court shall deem appropriate.

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

Dated 11th day of August 2021



Harney Westwood & Riegels

Attorneys for the Plaintiff

NOTE: This Originating Summons may be served no later than 4 calendar months (or if leave is required to effect service out of the jurisdiction, 6 months) beginning with that date unless renewed by order of the Court.

IMPORTANT

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

This **ORIGINATING SUMMONS** is issued by Harney Westwood & Riegels, Attorneys for the Plaintiff, whose address for service is 3rd Floor Harbour Place, 103 South Church Street, PO Box 10240, KY1-1002, Grand Cayman, Cayman Islands (**Ref:** KLP/NDD/053280.0002)

Acknowledgement of service of originating summons (O.10, r.5)**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE
OF ORIGINATING SUMMONS**

The accompanying form of Acknowledgement 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 Acknowledgement of Service and return it to the Court 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 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 THE 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 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.

Service of the Originating Summons is acknowledged accordingly

(Signed) _____

Attorney for

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

Harney Westwood & Riegels
3rd Floor, Harbour House
103 South Church Street
PO Box 10240
Grand Cayman KY1-1002
Cayman Islands
(Ref: 053280.0002/KLP/NDD-)

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