



IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

CAUSE NO. FSD 130 OF 2021 (ASCJ)

IN CHAMBERS

THE 2<sup>ND</sup> DAY OF SEPTEMBER 2021

BEFORE THE HONOURABLE CHIEF JUSTICE SMELLIE

IN THE MATTER OF AN APPLICATION UNDER SECTION 48 OF THE TRUSTS ACT  
(2021 REVISION)

AND IN THE MATTER OF HSBC TRUSTEE (C.I.) LIMITED AS TRUSTEE OF THE H  
SETTLEMENT

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ORDER

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UPON the Originating Summons dated 21 May 2021 (the Originating Summons) issued by HSBC Trustee (C.I.) Limited (the Trustee) in its capacity as trustee of the trust known as The H Settlement (the Trust)

AND UPON the Trustee's Summons for Directions dated 20 July 2021 (the Summons for Directions)

AND UPON reading the First Affidavit of Janaki Tampi sworn on 9 August 2021, the Second Affidavit of Janaki Tampi sworn on 23 August 2021, the First Affidavit of David A Ramsaran sworn on 26 August 2021 and the Second Affidavit of David A Ramsaran sworn on 1 September 2021



AND UPON hearing Counsel for the Trustee and Counsel for DB1 and DB2

AND UPON Counsel for the Trustee undertaking to file a further correcting affidavit with respect to errors contained in the First Affidavit of Janaki Tampi and the Second Affidavit of Janaki Tampi

**IT IS HEREBY ORDERED THAT:**

1. The hearing of the Originating Summons be listed for a date not before 1 December 2021;

**Representation Orders**

2. DB1 is hereby appointed to represent NDB4.
3. DB2 and DB1, both in DB1's personal capacity and as representative of NDB4, shall be represented as a group by the same attorney or firm of attorneys.
4. Save and except for DB1, DB2 and NDB4, and subject to paragraph 5 below, the Trustee is hereby appointed to represent:
  - (a) all the Discretionary Beneficiaries named at paragraph 1(a) of Schedule IV of the trust deed for the Trust alive or in existence as at the date of this Order; and
  - (b) all persons or institutions for whose benefit the Trustee proposes to exercise any of the Trustee's powers under the Trust who are not within the class of Discretionary Beneficiaries.



(together the **Trustee Represented Parties**)

5. Any of the Trustee Represented Parties who prefers to be separately represented by an attorney or firm of attorneys of their choice shall notify the Trustee of such preference and the Trustee shall seek the Court's directions with respect to such request.

#### **Evidence**

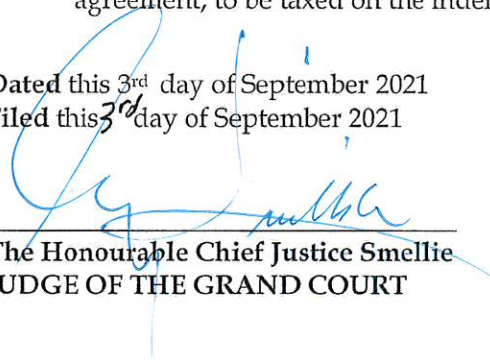
6. The Trustee shall file and serve on the parties to the proceedings its evidence in support of the Originating Summons within eight weeks of the date of this Order.
7. All parties wishing to adduce evidence in response to the Trustee's evidence shall file and serve on the other parties their affidavit evidence within four weeks of the date of service of the Trustee's evidence.
8. The Trustee shall have leave to adduce evidence in reply to any evidence filed by any other party within 14 days of being served with the evidence in reply to the Trustee's evidence.

#### **Other Directions**

9. Hearing bundles and skeleton arguments shall be filed and served in accordance with the provisions of the Financial Services Division Guide.
10. The Trustee's reasonable costs of and incidental to the Summons for Directions shall be paid out of the assets of the Trust on the indemnity basis.

11. DB1's and DB2's costs of the Summons for Directions shall be paid out of the assets of the Trust subject to agreement by the Trustee as to reasonableness or, failing such agreement, to be taxed on the indemnity basis.

Dated this 3<sup>rd</sup> day of September 2021  
Filed this 3<sup>rd</sup> day of September 2021



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The Honourable Chief Justice Smellie  
JUDGE OF THE GRAND COURT

Approved as to form and content

Mourant Ozannes

**Mourant Ozannes**  
HSBC Trustee (C.I.) Limited

Nelsons

**Nelsons**  
Attorneys DB1 and DB2

THIS ORDER was filed by Mourant Ozannes, on behalf of the Trustee, whose address for service is 94 Solaris Avenue, Camana Bay, PO Box 1348, Grand Cayman KY1-1108, Cayman Islands (ref:)