



IN THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CAUSE NO: FSD OF 2021 ()

IN THE MATTER OF THE COMPANIES ACT (2021 REVISION)
AND IN THE MATTER OF THE LIMITATION ACT (12 OF 1991) (1996 REVISION)

BETWEEN:

- (1) MARK LAURENCE ROBERT ASHURST
- (2) CHRIS NARBOROUGH
- (3) VASILE FRANK TIMIS

PLAINTIFFS

AND:

- (1) PAN AFRICAN BURKINA LIMITED
- (2) BANCO BTG PACTUAL S.A. (CAYMAN ISLANDS)

DEFENDANTS

WRIT OF SUMMONS

TO: Pan African Burkina Limited, c/o Genesis Trust & Corporate Services Ltd, Elgin Court, Elgin Avenue, George Town, KY1-1106, Grand Cayman, Cayman Islands, and **Banco BTG Pactual S.A. (Cayman Islands)**, c/o Cainvest Bank and Trust Limited, 5th Floor, 103 South Church Street, George Town, KY1-1108, Grand Cayman, Cayman Islands.

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs in respect of the claims set out on the next pages.

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 Court Office, P.O. Box 495G, George Town, Grand Cayman, 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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 28th day of September 2021.

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 INDORSEMENT

The Plaintiffs' claim

1. A declaration that the Plaintiffs and/or each of them are not obliged to account to the First or Second Defendants and/or that none of the Plaintiffs was a trustee in respect of funds advanced to the First Defendant by the Second Defendant under the terms of a US\$75 million Facility Agreement dated 11 July 2014 (against which the First Defendant drew US\$40.4 million) and, in particular, by Clause 3.1 of the Facility which required such funds to be applied (i) towards the payment of certain fees and expenses, or (ii) generally for the development and exploitation of a Manganese mine in the Tambao region of northern Burkina Faso, as was alleged in two letters of claim from Quinn Emanuel sent on behalf of each of the Defendants ("**Letters of Claim**") dated 1 September 2021 to each of the Plaintiffs.

2. A declaration that the limitation periods under the Limitation Act (1996 Revision) in respect of the claims made in the Letters of Claim have expired before the commencement of the proceedings herein.
3. Further or other relief.
4. Costs.

Dated this 28th day of September 2021



Campbells
Attorneys-at-Law for the Plaintiffs

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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

Please complete overleaf

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

**Campbells
Floor 4, Willow House
Cricket Square, George Town
Grand Cayman KY1-9010
Cayman Islands
Ref: MGM/HTS/20033-36012**

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 WRIT OF SUMMONS**

1. 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.

2. 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 Plaintiff may enter judgment against him without further notice.

3. 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 over for notes for guidance

Please complete overleaf

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.