



IN THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CAUSE NO. FSD OF 2021 ()

IN THE MATTER OF THE ESTATE OF ESTHER ROSALIND HINDS (DECEASED)

AND IN THE MATTER OF THE GRAND COURT RULES ORDERS 62 AND 85 AND THE INHERENT JURISDICTION OF THE COURT

BETWEEN:

PHILLIP BRADLEY HINDS

Plaintiff

-and-

CLIVE MONTRIVELLE HINDS

(in his capacity as administrator of the Estate of
Esther Rosalind Hinds (deceased))

Defendant

ORIGINATING SUMMONS

TO: Clive Montrivelle Hinds, of 101 Hinds Way, George Town, PO Box 200, Grand Cayman KY1-1104, Cayman Islands who is sued in his capacity as administrator of the estate of Esther Rosalind Hinds (deceased) (the "Deceased") (the "Estate")

LET THE DEFENDANT, within 14 days after service of this Originating Summons on him, counting the day of service, return the accompanying Acknowledgment of Service to the Registrar, Financial Services Division, Court office, P.O. Box 495G, George Town, Grand Cayman, KY1-1106, Cayman Islands.

By this Originating Summons, which is issued on the application of Phillip Bradley Hinds, of PO Box 2573, Grand Cayman KY1-1103, Cayman Islands, a beneficiary of the Estate, the Plaintiff seeks the following orders and directions from the Court:

1. Directions as to the principles and rules to be applied by the taxing officer when assessing the costs defined below as the Disputed Costs;
2. An order directing a taxing officer to tax the Disputed Costs applying the principles and rules so ordered by the Court pursuant to paragraph 1 above and, after the said taxation, return it, together with his report on it, to the Court;
3. All further and necessary orders and directions as this Court shall think fit, including, if necessary, an order that the Defendant do reimburse the Estate in respect of any portion of the Disputed Costs disallowed by the taxing officer as a result of the said taxation within fourteen (14) days of the date of any such order;
4. That provision be made for the costs of this application; and
5. Further or other relief.

The "**Disputed Costs**" are the costs in the sum of approximately US\$1,199,104, which are said by the Defendant to have been incurred by him solely in his capacity as administrator of the Estate in defending the proceedings the short title and reference to the record of which are:

- (a) *"In the Grand Court of the Cayman Islands, Financial Services Division, Cause No, FSD 104 of 2011-AJEFJ, Philip Bradley Hinds v Clive Montrivelle Hinds (in his capacity as administrator of the Estate) (and others)"*;
- (b) *"In the Court of Appeal of the Cayman Islands on appeal from the Grand Court, Financial Services Division, Civil Appeal No: 5 of 2015"*; and
- (c) *"In the Judicial Committee of the Privy Council, Hinds v Hinds on appeal from the Court of Appeal of the Cayman Islands"*.

This application is brought pursuant to GCR O. 62, r. 14 and/or O. 85, r. 2 and/or the inherent jurisdiction of the Court.

Dated this 1st day of December 2021

Walkers

Walkers (Cayman) LLP
Attorneys-at-Law for the Plaintiff

NOTE:

1. This Originating 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.
2. If a Defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

IMPORTANT

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

**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.

Please complete overleaf

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Defendant

**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

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.

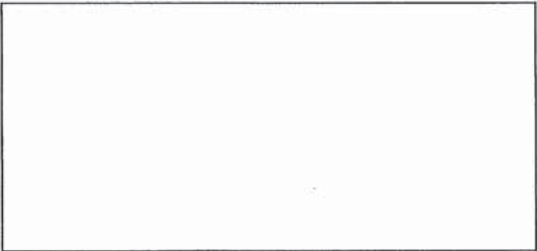
Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered 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
Grand Cayman KY1-9001

Ref: LD/SW/166738

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

A large, empty rectangular box with a thin black border, intended for the defendant's attorney or the defendant to provide their name, address, and reference.