



**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

**FINANCIAL SERVICES DIVISION**

**CAUSE NO. FSD                      OF 2022 (    )**

**BETWEEN:**

**(1) SZE TO GIN NAM**

**(2) LO SHUK YEE**

**Plaintiffs**

**AND**

**(1) YUEN PHILIP**

**(2) KWOK LAI YI**

**(3) AURABEAT TECHNOLOGY INTERNATIONAL**

**Defendants**

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**WRIT OF SUMMONS**

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TO:            Yuen Philip of 8 Price Road, Jardine's Lookout, Hong Kong,

AND TO: Kwok Lai Yi of 8 Price Road, Jardine's Lookout, Hong Kong

This Summons is filed by Ogier, Attorneys-at-Law for the JOLs, whose address for service is 89 Nexus Way, Camana Bay, Grand Cayman, KY1-9009, Cayman Islands

AND TO: Aurabeat Technology International of CO Services Cayman Limited, Willow House, PO Box 10008, Cricket Square, George Town, Grand Cayman, KY1-1001, Cayman Islands.

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiffs c/o Ogier, 89 Nexus Way, Camana Bay, Grand Cayman KY1-9009, Cayman Islands in respect of the claim set out on the next page.

Within 28 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 495, George Town, Grand Cayman KY1-1106, 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 of Service within the time stated, or if you return the Acknowledgment of Service 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.

Dated this 14th day of April 2022.

**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' claims are for (i) orders setting aside the allotment of any and all shares by Aurabeat Technology International (the "**Third Defendant**") made on or after 9 February 2022 (the "**Improper Share Allotment**") and/or for a declaration that the Improper Share Allotment was not a valid exercise by Yuen Philip (the "**First Defendant**") and/or Kwok Lai Yi (the "**Second Defendant**") of the directors powers to issue shares and is void (ii) a declaration that the Plaintiffs have not been validly removed as directors of the Third Defendant, and any purported removal was at all material times null and void, invalid and/or otherwise of no legal effect, and as a consequence, the Plaintiffs are and continue to be directors of the Third Defendant (iii) a declaration that the purported appointment of the Second Defendant as a director of the Third Defendant was at all material times null and void, invalid, and/or otherwise of no legal effect (iv)

This Writ was issued by Ogier, Attorneys-at-Law for the Plaintiffs, whose address for service is:  
89 Nexus Way, Camana Bay, Grand Cayman KY1-9009, Cayman Islands (GEL/PAG/502525.00002)

-12628117-3

a declaration that the Notice of General Meeting dated 7 April 2022 is null and void, invalid, and/or otherwise of no legal effect (v) by virtue of and contingent upon declaration (iv), as well as other irregularities and/or in the event that there was no Improper Share Allotment and the shareholding of the Third Defendant remains consistent with the shareholding as at 9 February 2022, a declaration that the resolutions purportedly passed at the General Meeting of the Third Defendant convened at 9am (Hong Kong time) on 13 April 2022 were passed in breach of the Third Defendant's Articles of Association and are null and void, invalid, and/or otherwise of no legal effect (vi) by virtue of declaration and/or order (i), an order for the rectification of the Third Defendant's Register of Members ("**ROM**") to reflect the position as at 9 February 2022 (vii) by virtue of declarations (ii) and (iii), an order for the rectification of the Third Defendant's Register of Directors to reflect the position that the Plaintiffs never resigned and / or have been removed as directors of the Third Defendant and the Second Defendant has never been appointed as a director of the Third Defendant and (viii) by virtue of declarations (i) to (vii), a declaration that the above actions by the First Defendant constitute or give rise to a breach by the First Defendant of his fiduciary duties owed to the Third Defendant. And the Plaintiffs claim further or other relief, including loss and damages, and costs.



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**OGIER**

**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.
- 2 After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495, George Town, Grand Cayman KY1-1106.
- 3 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).
- 4 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.
- 5 If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 28 days after a Statement of Claim has been served on the Defendant.
- 6 If the Defendant fails to serve his Defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.
- 7 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 overleaf for Notes for Guidance.**

This Writ was issued by Ogier, Attorneys-at-Law for the Plaintiffs, whose address for service is:  
89 Nexus Way, Camana Bay, Grand Cayman KY1-9009, Cayman Islands (GEL/PAG/502525.00002)

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**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 of 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 his 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.

This Writ was issued by Ogier, Attorneys-at-Law for the Plaintiffs, whose address for service is:  
89 Nexus Way, Camana Bay, Grand Cayman KY1-9009, Cayman Islands (GEL/PAG/502525.00002)

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Plaintiffs

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KWOK LAI YI

AURABEAT TECHNOLOGY INTERNATIONAL

Defendants

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ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS

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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

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

This Acknowledgment of Service is filed by:

is omitted or given wrongly, THIS FORM MAY  
HAVE TO BE RETURNED.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

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2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

**yes**

**no**

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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**

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Service of the Writ is acknowledged accordingly.

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Attorneys-at-law for the Defendants

#### 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.

This Acknowledgment of Service is filed by:

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

Ogier  
89 Nexus Way, Camana Bay,  
Grand Cayman  
KY1-9009, Cayman Islands  
Ref: GEL/PAG/502525.00002

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

[Empty box for Defendant's Attorneys indorsement]

This Acknowledgment of Service is filed by: