



THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE NO FSD OF 2022 (J)

IN THE MATTER OF AN APPLICATION FOR NORWICH PHARMACAL RELIEF

BETWEEN:

NORTHEAST SECURITIES CO., LTD.

Plaintiff

AND

(1) TRICOR SERVICES (CAYMAN ISLANDS) LIMITED; and
(2) INTERNATIONAL CORPORATION SERVICES LTD

Defendants

ORIGINATING SUMMONS

LET ALL PARTIES CONCERNED attend before the Judge in Chambers, at the Law Courts,
George Town, Grand Cayman, Cayman Islands on the 20th day January of
2023 at 10.00 am/pm upon an application by the Plaintiff, pursuant to
the jurisdiction established in the case of *Norwich Pharmacal Co v Customs and Excise
Commissioners* [1974] 3 WLR 164 for the following orders and directions:

1. The Plaintiff has leave pursuant to Order 38 rule 36 and/or Order 38 rule 41 of the Grand Court Rules to rely on expert evidence in the form of the Affirmation of Shi Zhao.

2. Within 14 days of service of this Order, the First Defendant shall provide to the Plaintiff's attorneys copies of all documents relating to China Hydrogen Energy Limited (**CHEL**) that are in its possession, custody or control (either in hard copy or electronically), dating from the time the First Defendant was first contacted by any person acting or purporting to act on behalf of, or seeking to incorporate, CHEL, including:
 - a) Register of Members;
 - b) Register of Directors;
 - c) Any documents evidencing any changes to the members or directors;
 - d) Any board resolutions and minutes of any board meetings;
 - e) Any shareholder resolutions and minutes of any shareholder meetings;
 - f) Any accounts of CHEL or any subsidiary thereof;
 - g) Any documents evidencing the ultimate beneficial owner of CHEL;
 - h) Any documents evidencing the purpose for which CHEL was formed;
 - i) Any documents relating to the transfer of CHEL's claim against Alita Resources Limited to Austroid Corporation in December 2020, including any board resolutions or minutes, shareholder resolutions or minutes, or any other correspondence relating thereto;
 - j) Any communications between the Defendant and any person acting or purporting to act on behalf of CHEL in relation to the formation of,

provision of registered office services to, or business of, CHEL and/ or any subsidiary or affiliate of CHEL, including any company incorporation request form or equivalent document, and all email correspondence between the Defendant and any person acting or purporting to act on behalf of CHEL from the time of the initial contact, to date.

3. Within 14 days of service of this Order, the Second Defendant shall provide to the Plaintiff's attorneys copies of all documents relating to Guo Ao Mining Investment International Limited (**GAMIIL**) that are in its possession, custody or control (either in hard copy or electronically), dating from the time the Second Defendant was first contacted by any person acting or purporting to act on behalf of, or seeking to incorporate, GAMIIL, including:
 - a) Register of Members;
 - b) Register of Directors;
 - c) Any documents evidencing any changes to the members or directors;
 - d) Any board resolutions and minutes of any board meetings;
 - e) Any shareholder resolutions and minutes of any shareholder meetings;
 - f) Any accounts of GAMIIL or any subsidiary thereof;
 - g) Any documents evidencing the ultimate beneficial owner of GAMIIL;
 - h) Any documents evidencing the purpose for which GAMIIL was formed;
 - i) Any communications between the Defendant and any person acting or purporting to act on behalf of GAMIIL in relation to the formation of, provision of registered office services to, or business of, GAMIIL and/ or any subsidiary or affiliate of GAMIIL, including any company

incorporation request form or equivalent document, and all email correspondence between the Defendant and any person acting or purporting to act on behalf of GAMILL from the time of the initial contact, to date.

4. In relation to Wenbin Que and Mike Que (the **Ques**). Within 14 days of the date of service of this Order, each Defendant shall confirm to the Plaintiffs' attorneys whether, to the best of that Defendant's knowledge, that Defendant provides registered office or other services to any company, other than CHEL or GAMILL, of which either of the Ques is, or has at any time been, recorded in the records of the Defendant as the ultimate beneficial owner, member or director, or in respect of which the Defendant takes instructions from either of the Ques.
5. If either Defendant answers the above question in the affirmative, within 14 days of the date of service of this Order, that Defendant shall provide to the Plaintiff's attorneys copies of all documents relating to such company that are in its possession, custody or control (either in hard copy or electronically), dating from the time that Defendant was first contacted by any person acting or purporting to act on behalf of, or seeking to incorporate, such company, including:
 - a) Register of Members;
 - b) Register of Directors;
 - c) Any documents evidencing any changes to the members or

directors;

- d) Any board resolutions and minutes of any board meetings;
 - e) Any shareholder resolutions and minutes of any shareholder meetings;
 - f) Any accounts of such company or any subsidiary thereof;
 - g) Any documents evidencing the ultimate beneficial owner of such company;
 - h) Any documents evidencing the purpose for which such company was formed; and
 - i) Any communications between the Defendant and any person acting or purporting to act on behalf of such company in relation to the formation of, provision of registered office services to, or business of, such company and/ or any subsidiary or affiliate of such company, including any company incorporation request form or equivalent document, and all email correspondence between the Defendant and any person acting or purporting to act on behalf of such company.
6. The Plaintiff may not, without leave of the Court, use any information or document obtained from the Defendants under this Order for any collateral purpose, save that the Plaintiff may use any information or document obtained from the Defendants under this Order:
- (a) for the purpose of any proceeding that is brought or is intended to be brought before any court or tribunal (including any arbitral

tribunal) in any jurisdiction for recovery of the money owed to the Plaintiff by Wenbin Que or any party related to Wenbin Que; or

- (b) for the purpose of any proceeding that is brought or is intended to be brought before any tribunal in any jurisdiction against any person for discovery in order to identify assets belonging to Wenbin Que or any party related to Wenbin Que.

7. The Defendants' reasonable costs of this Application and complying with this Order be paid by the Plaintiff.

AND LET EACH DEFENDANT within 14 days after service of this summons on it counting the day of service, return the accompanying Acknowledgment of Service to the Courts office.

Dated this 9 day of December 2022

Claritas Legal Limited

Claritas Legal Limited
Attorneys-at-Law for the Plaintiffs

TO: The Registrar of the Financial Services Division

TIME ESTIMATE: 2 hours

NOTES:

(1) This Originating Summons may be served not later than 4 calendar months (or, if leave is required to effect notice out of the jurisdiction, 6 months) beginning with that 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.

This Originating Summons was issued by Claritas Legal Limited, attorneys at law for the Plaintiff, whose address for service is c/o FFP (Corporate Services) Ltd, 2nd Floor, Harbour Centre, 159 Mary Street, George Town, Cayman Islands (katie@claritaslegal.com)

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CAUSE NO FSD OF 2022 (J)

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NORTHEAST SECURITIES CO., LTD.

Plaintiff

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Defendants

ACKNOWLEDGMENT 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 Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.
-

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

yes

no

Service of the Originating Summons

is acknowledged accordingly. Dated

this day of 2022

(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 or principal office.

Please complete overleaf

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

Claritas Legal Limited
c/o FFP (Corporate Services) Ltd,
2nd Floor, Harbour Centre,
159 Mary Street,
George Town,
Cayman Islands
(katie@claritaslegal.com)

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

