



IN THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CAUSE NO: FSD

OF 2023

BETWEEN:

- (1) FRABRAN HOLDINGS LIMITED
- (2) HUSKY TRADING CO LTD
- (3) KESTREL STOCK TRADING CO LIMITED

- (4) KEYRAN HOLDINGS CO. LTD
- (5) GOURNARI HOLDINGS LTD
- (6) SIOCACO HOLDINGS CO. LTD
- (7) CALUTTA HOLDINGS CO. LTD
- (8) LIKEIT HOLDINGS CO. LTD
- (9) BRUKER HOLDINGS CO. LTD
- (10) WORRYCO HOLDINGS CO. LTD
- (11) NORKEMA HOLDINGS CO. LTD
- (12) ELOBELIUM TRADING CO. LTD
- (13) FICTIO HOLDINGS CO. LTD

PLAINTIFFS

-AND-

DAVENTREE TRUSTEES LIMITED

DEFENDANTS

ORIGINATING SUMMONS

TO:

DAVENTREE TRUSTEES LIMITED of 36 Lord Byron Avenue, Nicosia Tower Center,
Nicosia 1056

LET THE DEFENDANT within 14 days after service of this Summons on the Defendant, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, PO Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of the above-named Plaintiffs, the Plaintiffs claim against the Defendant the relief set out in the attached draft order.

If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to the Defendant as the Court may think just and expedient.

DATED this 4th day of May 2023

Walkers (Cayman) LLP

WALKERS (CAYMAN) LLP

Attorneys at Law for the Plaintiffs

NOTE - 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 date of issue unless renewed by order of the Court.

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IMPORTANT

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

This **ORIGINATING SUMMONS** is filed by Walkers (Cayman) LLP, Attorneys at Law, 190 Elgin Avenue, George Town, Grand Cayman KY1-9001, for the Plaintiffs whose address for service is care of their said Attorneys at Law.

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PLAINTIFFS

-AND-

DAVENTREE TRUSTEES LIMITED

DEFENDANT

DRAFT PROPRIETARY INJUNCTION PROHIBITING
DISPOSAL OF ASSETS

PENAL NOTICE

(1) THIS ORDER PROHIBITS YOU FROM DEALING WITH TRUST PROPERTY (AS DEFINED IN SCHEDULE 1). THE ORDER IS SUBJECT TO THE EXCEPTIONS AT THE END OF THE ORDER. YOU SHOULD READ IT ALL CAREFULLY. YOU ARE

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ADVISED TO CONSULT AN ATTORNEY AS SOON AS POSSIBLE. YOU HAVE A RIGHT TO ASK THE COURT TO VARY OR DISCHARGE THIS ORDER.

(2) IF YOU DAVENTREE TRUSTEES LIMITED DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED, OR HAVE YOUR ASSETS SEIZED.

(3) ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED, OR HAVE THEIR ASSETS SEIZED.

THE ORDER

This is a proprietary freezing injunction made against Daventree Trustees Limited (the "**Defendant**") by [Judge] on the application of Frabran Holdings Limited, Husky Trading Limited, Kestrel Stock Trading Co Limited, Keyran Holdings Co. Ltd, Gournari Holdings Ltd, Siocaco Holdings Co. Ltd, Calutta Holdings Co. Ltd, Likeit Holdings Co. Ltd, Bruker Holdings Co. Ltd, Worryco Holdings Co. Ltd, Norkema Holdings Co. Ltd, Elobelium Trading Co. Ltd and Fictio Holdings Co. Ltd (together, the "**Plaintiffs**").

This order was made at a hearing on notice to the Defendant.

UPON HEARING [Leading] Counsel for the Plaintiffs and for the Defendant

AND UPON reading the Affidavits set out in Schedule 3 hereto

IT IS ORDERED that:

DISPOSAL OF ASSETS

1. The Defendant must not without prior consent in writing from the Plaintiffs' attorneys:

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- (a) remove from the Cayman Islands any Trust Property (as defined in Schedule 1 hereto) ;
 - (b) in any way dispose of or deal with or diminish the value of any Trust Property or its fruits and proceeds, including any interest earned or other income received or derived from the Trust Property;
 - (c) cause or suffer any person to do or attempt to do any act described in subparagraphs 1(1)(i) and 1(1)(ii) above
2. In respect of bodies corporate which are directly or indirectly owned and/or controlled by the Defendant (including for the avoidance of doubt any bodies corporate which are directly or indirectly owned and/or controlled by such bodies corporate), the Defendant shall not procure or permit those bodies corporate to deal with any of their respective assets insofar as such assets constitute Trust Property.

DISCLOSURE

3. Unless paragraph (2) applies, the Defendant must within 3 working days of the date of this Order and to the best of its ability inform the Plaintiffs' attorneys of all Trust Property, whether in its own name or not and whether solely or jointly owned, giving the value, location and details of any and all such assets.
4. If the provision of any of this information is likely to incriminate the Defendant, it may be entitled to refuse to provide it, but is recommended to take legal advice before refusing to provide the information. Wrongful refusal to provide the information is contempt of court and may render the Defendant liable to be imprisoned, fined or have its assets seized.

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5. Within 7 working days after being served with this order, the Defendant must swear and serve on the Plaintiffs' attorneys an affidavit setting out the above information

EFFECT OF THIS ORDER

6. A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
7. A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees, or agents, or in any other way.

THIRD PARTIES

8. Effect of this Order – it is a contempt of Court for any person notified of this Order knowingly to assist in or permit a breach of the Order. Any person doing so may be sent to prison, fined, or have his assets seized.
9. Set off by Banks – this injunction does not prevent any bank from exercising any right of set off it may have in respect of any facility which it gave to the Defendant before it was notified of the Order.
10. Withdrawals by the Defendant – no bank need enquire as to the application or proposed application of any money withdrawn by the Defendant if the withdrawal appears to be permitted by this Order.

UNDERTAKINGS

11. The Plaintiffs give to the Court the undertakings set out in Schedule 2 to this Order.

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DURATION OF THIS ORDER

12. This Order will remain in force until it is varied or discharged by a further Order of the Court.

VARIATION OR DISCHARGE OF THIS ORDER

13. The Defendant (or anyone notified of this Order) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but anyone wishing to do so must first inform the Plaintiffs' attorneys in writing on not less than 7 business days' notice.

NAME AND ADDRESS OF APPLICANTS' ATTORNEYS

14. The Plaintiffs' attorneys are:

Walkers (Cayman) LLP
Attorneys at Law
190 Elgin Avenue
George Town
Grand Cayman|
Tel: +1 345 814 4548
Email: nick.dunne@walkersglobal.com

COSTS

15. [The Defendant shall pay the Plaintiffs' costs of this application] / [The Plaintiffs' costs of the application shall be raised and paid from the Trust Property on a full indemnity basis, to be borne in equal shares from the assets of Trust 1 and the assets of Trust 2]

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SCHEDULE 1**Trust Property**

1. **"Trust Property"** shall mean all property of whatever nature held in the Cayman Islands by the Defendant (whether solely or jointly) or an Associated Person (as defined below) for or on behalf of the HPH Settlement (as originally settled under Cypriot law on 4 December 2002) ("**Trust 1**"), or the HPH Distribution Settlement No.2 (as originally settled under Cypriot law on 6 February 2003) ("**Trust 2**"), including but not limited to money, goods, shares, bank accounts, things in action, land, and every description of property and also obligations and every description of interest whether present or future or vested or contingent, arising out of, or incidental to, property; including but not limited to relationships of trust (whether actual, constructive or resulting), bailment, agency, or partnership.
2. For the avoidance of doubt, Trust Property includes, but is not limited to, the assets in:
 - (a) Bank account 245-03108-1-4 at RBC Dominion Securities in the name of Daventree Trustees Limited;
 - (b) Bank account 245-21495-1-3 at RBC Dominion Securities in the name of Daventree Resources Limited; and
 - (c) Bank account 245-03149-1-5 at RBC Dominion Securities in the name of Godtrypat Group Limited;
3. "Associated Person" means:
 - (a) Any company or other legal entity that is owned and controlled whether directly or indirectly in whole or in part by the Defendant;

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- (b) Any company or other legal entity or individual that is holding property to the order or for the benefit of the Defendant;
- (c) Any company or other legal entity that is owned or controlled whether directly or indirectly in whole or in part by another Associated Person;
- (d) Any company or other legal entity or individual that is holding property to the order of or for the benefit of another Associated Person;
- (e) Any company or other legal entity or individual that holds or purports to hold a power of attorney to act for and on behalf of the Defendant or another Associated Person;
- (f) Any company or other legal entity or individual with authority (whether sole or joint) to manage or withdraw funds from a bank account in the name of one or more of the Defendants or another Associated Person;
- (g) Each any every successor to the office of trustee and/or protector in respect of the above-named trusts.

SCHEDULE 2**Undertakings given to the Court by the Plaintiffs**

1. If the Court later finds that this Order has caused loss to the Defendant, and decides that the Defendant should be compensated for that loss, the Plaintiffs will comply with any Order the Court may make.
2. Anyone notified of this Order will be given a copy of it by the Plaintiffs' attorneys.
3. The Plaintiffs will pay the reasonable costs of anyone other than the Defendant which have been incurred as a result of this Order including the costs of ascertaining whether that person holds any of the Defendant's assets and that if the Court later finds that this Order has caused such a person loss, and decides that the person should be compensated for that loss, the Plaintiffs will comply with any Order the Court may make.
4. The Plaintiffs will not without the leave of the Court use any information obtained as a result of this order for the purpose of any criminal or civil proceedings, either in the Cayman Islands or in any other jurisdiction, other than this claim.

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SCHEDULE 3

Affidavit(s)

The Judge read the following affidavits and exhibits before making this Order:

1. [Insert]

ORDER MADE the [Date]

ORDER FILED this [Date]

The Honourable Justice [insert]
JUDGE OF THE GRAND COURT

This Order is filed by Walkers (Cayman) LLP, Attorneys at Law, 190 Elgin Avenue, George Town, Grand Cayman KY1-9001, for the Plaintiffs whose address for service is care of their said Attorneys at Law.

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