



IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

FSD CAUSE NO 134 of 2022 (NSJ)

IN THE MATTER OF THE COMPANIES ACT (2022 REVISION)

AND IN THE MATTER OF UPHOLD LTD

BETWEEN:

1. WILLIAM LAGGNER
2. BEARING VENTURES LLC
3. WEST END CAPITAL II LLC
4. CHARLES SIMMONS
5. PETER KEARNS
6. MICHAEL ZAITSEV

PETITIONERS

1. UPHOLD LTD
2. ADRIAN STECKEL
3. UPHOLD HOLDINGS LLC
4. ASP CAPITAL SUB I INC
5. AMHERST HOLDINGS LIMITED

RESPONDENTS

CONSENT ORDER

UPON the Directions Order of Justice Segal dated 8 June 2023 (the “**Directions Order**”)

AND UPON the Summonses dated 13 July 2023 for strike out of the Petition issued by the 2nd to 4th Respondents and the 5th Respondent respectively (the “**Strike Out Summonses**”)

AND UPON the Court listing the Strike Out Summonses and the part-heard validation summons dated 20 December 2022 issued by the 1st Respondent (the “**Validation Summons**”) to be heard on 16 – 18 October 2023 (the “**Hearing**”)

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This **CONSENT ORDER** was filed by Travers Thorp Alberga, attorneys for the Petitioner, whose address for service is Harbour Place, PO Box 472, Grand Cayman KY1-1106, Cayman Islands (Ref: L0485-001)

AND UPON the parties having agreed to the terms of this consent order as reflected by the signature of their respective attorneys hereto

IT IS ORDERED that:

1. The date by which the Petitioners shall file and serve evidence in response to the Strike Out Summonses be extended from 24 August 2023 to 4.00pm on 4 September 2023, with the Respondents having a right to file and serve any evidence in reply by 4.00pm on 28 September 2023;
2. The Petitioners shall (if so advised) file and serve any evidence in relation to the Validation Summons by no later than 4.00pm on 4 September 2023, with the Respondents having a right to file and serve any evidence in reply by 4.00pm on 28 September 2023;
3. The 2nd to 4th Respondents' attorneys shall circulate to all parties a draft proposed index for a joint hearing bundle for the Hearing, together with a draft chronology and dramatis personae on or before 25 September 2023;
4. Any proposed comments to the draft index, chronology and dramatis personae are to be sent back to the 2nd to 4th Respondents' attorneys by no later than 4.00pm on 2 October 2023, and if the draft chronology and dramatis personae cannot be agreed between the parties by 6 October 2023 then each of the competing versions shall be included in the bundle and identified as such;
5. The 2nd to 4th Respondents' attorneys shall circulate an electronic joint hearing bundle by 4.00pm on 5 October 2023 to permit the parties to cross-reference their skeleton arguments to the joint hearing bundle;
6. The Respondents shall agree a consolidated authorities bundle by 5 October 2023 so as to reduce duplication.

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7. Skeleton arguments for both the Strike Out Summonses and the Validation Summons shall be filed and exchanged by no later than 12.00pm on Monday 9 October 2023.
8. Counsel for the 2nd to 4th Respondents shall produce hard and soft copies of the joint hearing bundle and the Respondents' Authorities Bundle and arrange filing, service and delivery to His Lordship by 10 October 2023. Counsel for the Petitioners shall arrange for the filing, service and delivery of the Petitioners' Authorities Bundle and the Petitioners' skeleton argument to His Lordship.
9. The parties have liberty to apply.
10. The costs of this Consent Order shall be in the Petition.

DATED this 24th day of August 2023

FILED this 24th day of August 2023



The Hon Mr Justice Segal
Judge of the Grand Court

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AGREED AS TO FORM AND CONTENT:

Travers Thorp Alberga

Travers Thorp Alberga
Attorneys for the Petitioner

Maples and Calder (Cayman) LLP

Maples and Calder (Cayman) LLP
Attorneys for the 1st Respondent

Campbells LP

Campbells LLP
Attorneys for the 2nd to 4th Respondents

Walkers (Cayman) LLP

Attorneys for the 5th Respondent

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