



IN THE GRAND COURT OF THE CAYMAN ISLANDS  
 FINANCIAL SERVICES DIVISION

CAUSE NO: FSD OF 2024 ( )

AND IN THE MATTER OF EMB FUND LIMITED

BETWEEN:

CLS SARL

Plaintiff

AND

EMB FUND LIMITED

Defendant

---

ORIGINATING SUMMONS

---

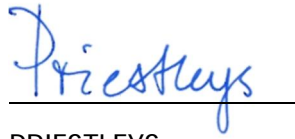
LET THE DEFENDANTS, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, P.O. Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of CLS SARL ("CLS"), whose Registered Office is at 4 Rue du clos de l'ouche, 35730 Pleurtuit, France, CLS seeks orders from the Grand Court as follows:

- 1) A declaration that the Defendant is in breach of its obligations pursuant to its Offering Memorandum dated June 2020 ("Offering Memorandum") in failing to provide the Plaintiff with (i) annual audited financial statements of EMB Fund Limited ("Fund"); and (ii) a report and commentary concerning its investment in the Fund within 30 days of the end of each quarter, or as soon as practicable thereafter.
- 2) A declaration that the Defendant is in breach of its obligations pursuant to the Offering Memorandum in failing to take all reasonable steps to bring the suspension of its NAV to an end as soon as possible, including but not limited to, by failing to maintain a registered office resulting in a pending strike off by the Registrar of Companies.
- 3) An order for delivery of audited financial statements by the Defendant to the Plaintiff for financial year ended December 2023.
- 4) An order requiring the Defendant to immediately restate its registered office and to maintain the same.
- 5) Such further other declarations, orders or other relief as the Grand Court shall see fit.
- 6) Costs.

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

Dated the 26<sup>th</sup> day of July 2024.

A handwritten signature in blue ink that reads "Priestleys" is written over a horizontal line.

PRIESTLEYS

NOTE – This 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 that date unless renewed by order of the Court.

IMPORTANT

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

DIRECTIONS FOR ACKNOWLEDGEMENT 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, P.O. Box 495G, 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 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 the Defendant.
4. Where the Defendant is sued in a name different from the Defendant's own, the form must be completed by the Defendant 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 that Partner's name.
6. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN THAT PERSON'S OWN, the form must be completed by the Defendant with the addition in paragraph 1 of the description "trading as (.....)" after that Defendant's 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

CAUSE NO: FSD OF 2024

AND IN THE MATTER OF EMB FUND LIMITED

BETWEEN:

CLS SARL

Plaintiff

AND

EMB FUND LIMITED

Defendant

---

ACKNOWLEDGMENT OF SERVICE OF ORIGINATING SUMMONS

---

If you intend to instruct an Attorney to act for you, give that Attorney 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 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.

Priestleys
PO Box 30310
Second Floor, Caribbean Plaza
878 West Bay Road
Grand Cayman KY1-1202
Cayman Islands.

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

