



GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CAUSE NO: 249 OF 2024 (IKJ)

IN THE MATTER OF THE S TRUST

AND IN THE MATTER OF SECTION 64A OF THE TRUSTS ACT (2021 REVISION)

AND IN THE MATTER OF THE GRAND COURT RULES 1995, ORDER 85, RULE
2(2)(a)

BETWEEN:

AA

Plaintiff

AND

(1) CITITRUST (CAYMAN) LIMITED

(2) BB

(3) CC

(4) DD

(5) EE

(6) FF

(7) GG

Defendants

ANONYMISED ORIGINATING SUMMONS

LET THE PARTIES, attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on the day of 2024 at am/pm on the hearing of the application by the Plaintiff in his capacity as settlor and a beneficiary of The S Trust dated 28 March 2012 (the “Trust”) pursuant to Section 64A of the Trusts Act (2021 Revision) and/or the Court’s inherent jurisdiction, for the following declarations, directions and orders:

This Originating Summons was filed by Conyers Dill & Pearman LLP, attorneys for the Plaintiff, whose address for service is SIX, Cricket Square, P.O. Box 2681, Grand Cayman KY1-1111, Cayman Islands.

The S Trust

1. An order pursuant to section 64A of the Trusts Act (or otherwise in the Court's inherent or equitable jurisdiction) setting aside the establishment of the Trust and all ancillary transactions connected with the establishment of the Trust, on the grounds that such exercises of power were tainted by the failure to take account of relevant considerations (and/or relied on irrelevant considerations) and therefore constituted a fiduciary mistake, such that:
 - i. the Trust is declared void *ab initio* and all assets held on the terms of the Trust are declared to be held on bare trust by Cititrust (Cayman) Limited for the Plaintiff absolutely with effect from the date of establishment of the Trust;
 - ii. the gift of shares and shareholder loan arrangements which were effected in connection with the establishment of the Trust also be set aside and/or declared void such that the Second Defendant is ordered to transfer its assets to the Plaintiff as the absolute beneficial owner of those assets; and
 - iii. any transactions purportedly carried out by the First Defendant as trustee and the Second Defendant after the date of the establishment of the Trust (including two charitable distributions made by the Trustee in 2012 and 2021) are deemed to have been made by the Plaintiff in his personal capacity.

2. Alternatively, a declaration that the contribution and addition of assets made by the Plaintiff to the First and/or Second Defendant to hold upon the terms and provisions of the Trust is void such that any assets purportedly held upon the Trust (including indirectly by the Second Defendant) are held on bare trust for the Plaintiff;

Confidentiality

3. Upon this Originating Summons being issued, the Clerk of the Court be directed not to place a copy thereof on the Register of Writs and other Originating Process (the **Register of Writs**).
4. The names of the parties to this Originating Summons not be entered on the Register of Writs.
5. The Plaintiff has leave to issue an anonymised form of this Originating Summons (the **Anonymised Originating Summons**) and, upon such Anonymised Originating Summons being issued, the Clerk of the Court is directed instead to place a copy thereof on the Register of Writs.
6. All information relating to this Originating Summons, including but not limited to the Originating Summons, schedules, affidavits, exhibits, submissions, and/or any other document filed at Court, be kept confidential and placed into sealed envelopes marked not to be opened without the leave of the Court (and any such application to be made on not less than 7 days' notice to the Plaintiff).
7. The hearing of this Originating Summons, including any interlocutory applications made herein, be heard in private.
8. Any ruling delivered in these proceedings be anonymised prior to being made public, including by placement on the Register of Judgments.

Other Relief

9. Directions as to service and representation.
10. Such further or other relief as the court shall consider appropriate; and
11. Costs of this application.

AND LET THE DEFENDANTS within 28 days after service of this Originating Summons on it, counting the service, return the accompanying Acknowledgment of Service to the Courts Office.

Dated this 9th day of August 2024

Conyers Dill & Pearman LLP

Conyers Dill & Pearman LLP

Attorneys for the Plaintiff

TIME ESTIMATE- The estimated length of the hearing of this Originating Summons is half a day.

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 that date unless renewed by order of the Court.

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

This Originating Summons was filed by Conyers Dill & Pearman LLP, attorneys for the Plaintiff, whose address for service is SIX, Cricket Square, P.O. Box 2681, Grand Cayman KY1-1111, Cayman Islands.

DIRECTIONS FOR ACKNOWLEDGMENT 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 KY1-1106.

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 him.
4. 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 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 his name.
6. 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.
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: OF 2024 ()

IN THE MATTER OF THE S TRUST

AND IN THE MATTER OF SECTION 64A OF THE TRUSTS ACT (2021 REVISION)

AND IN THE MATTER OF THE GRAND COURT RULES 1995, ORDER 85, RULE 2(2)(a)

BETWEEN:

AA

Plaintiff

AND

(1) CITITRUST (CAYMAN) LIMITED

(2) BB

(3) CC

(4) DD

(5) EE

(6) FF

(7) GG

Defendants

ACKNOWLEDGEMENT 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

1. 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:

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 principal office.

Please complete overleaf

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

Conyers Dill & Pearman LLP
SIX, Cricket Square
PO Box 2681
George Town
Grand Cayman KY1-1111

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

[Empty box for Defendant's Attorney Indorsement]