



CAUSE NO. FSD OF 2024 (IKJ)

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION**

**IN THE MATTER OF THE COMPANIES ACT (2023 REVISION)
AND IN THE MATTER OF LV II INVESTMENT MANAGEMENT LIMITED (IN OFFICIAL
LIQUIDATION)**

B E T W E E N:

- (1) LV II INVESTMENT MANAGEMENT LIMITED (IN OFFICIAL LIQUIDATION)**
- (2) KAREN SCOTT AND RUSSELL HOMER AS JOINT OFFICIAL LIQUIDATORS OF LV II
INVESTMENT MANAGEMENT LIMITED (IN OFFICIAL LIQUIDATION)**

Plaintiffs

- and -

- (1) FLOREAT PRIVATE LIMITED (FLOREAT PRIVATE SA) (FLOREAT PRIVATE AG)**
- (2) MUTAZ OTAIBI**
- (3) DANIELA LUNARDO**

Defendants

ORIGINATING SUMMONS

- TO:**
- (1) FLOREAT PRIVATE LIMITED (FLOREAT PRIVATE SA) (FLOREAT PRIVATE AG) of 2 rue de Jargonnant, c/o N.A.T. Services S.A., 1207, Geneva, Switzerland
 - (2) MUTAZ OTAIBI of c/o CMS von Erlach Partners Ltd, Esplanade de Pont Rouge 9, PO Box 1875, 1211 Geneva 26, Switzerland.
 - (3) DANIELA LUNARDO of c/o CMS von Erlach Partners Ltd, Esplanade de Pont Rouge 9, PO Box 1875, 1211 Geneva 26, Switzerland.

LET THE DEFENDANTS within 14 days after service of this Summons on the Defendants, counting the day of service, return the accompanying Acknowledgement of Service to the Court's office, PO Box 495, 61 Edward Street, George Town, Grand Cayman KY1-1106, Cayman Islands

BY THIS SUMMONS which is issued on the application of (1) LV II Investment Management Limited (in Official Liquidation) and (2) Karen Scott and Russell Homer as Joint Official Liquidators of LV II Investment Management Limited (in Official Liquidation) of Chris Johnson Associates Limited, Elizabethan Square, 80 Shedden Road, George Town, Grand Cayman the Plaintiffs claim against the Defendants the following relief:

1. A declaration that a deed of assignment dated 30 September 2024 ("**Deed**") and made between LV II Investment Management Limited ("**Company**") as assignor and Floreat Private Limited (Floreat Private SA) (Floreat Private AG) as assignee is void on the grounds that:
 - 1.1. it was made after the commencement of the winding up of the Company and is void pursuant to section 99 of the Companies Act (2023 Revision); and
 - 1.2. it was made for no consideration and purportedly as a deed by a corporation without any seal and was therefore void at common law; and
 - 1.3. It was made at an undervalue with intent to defraud the creditors of the Company and is void pursuant to section 146 of the Companies Act (2023 Revision); and
 - 1.4. in purporting to execute the Deed on behalf of the Company the Second Defendant Mutaz Otaibi acted without proper authority; and
 - 1.5. in purporting to instruct CMS von Erlach Partners SA attorneys in Geneva to represent the First Plaintiff Mutaz Otabi acted without authority.
2. An Order restraining the Defendants from holding themselves out as having any interest in or authority to deal with the Assigned Rights (as defined in the Deed) or any authority.
3. An Order restraining the First Defendant from acting or purporting to act for the First Plaintiff.

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 the 11th day of October 2024

Nelsons legal

Nelsons Attorneys at Law Limited
Attorneys for the Plaintiffs

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 dated unless renewed by Order of the Court.

IMPORTANT

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

This Originating Summons was issued by Nelsons Attorneys at Law Limited, attorneys for the Plaintiffs herein, whose address for service is Grand Pavilion, 802 West Bay Road, PO Box 30069, George Town, Grand Cayman KY1-1201, Cayman Islands (ref: JH/4911-3)

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.

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.

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LIQUIDATION)

BETWEEN:

- (3) LV II INVESTMENT MANAGEMENT LIMITED (IN OFFICIAL LIQUIDATION)
- (4) KAREN SCOTT AND RUSSELL HOMER AS JOINT OFFICIAL LIQUIDATORS OF LV II INVESTMENT MANAGEMENT LIMITED (IN OFFICIAL LIQUIDATION)

Plaintiffs

- and -

- (4) FLOREAT PRIVATE LIMITED (FLOREAT PRIVATE SA) (FLOREAT PRIVATE AG)
- (5) MUTAZ OTAIBI
- (6) DANIELA LUNARDO

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.

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, the Defendant must give the Defendant's post office box number and the physical address of the Defendant's residence or, if the Defendant does not reside in the Cayman Islands, the Defendant must give an address in Grand Cayman where communications for the Defendant 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 the Plaintiff's name, address and reference, if any, in the box below.

(1) LV II Investment Management Limited (in Official Liquidation) and (2) Karen Scott and Russell Homer as Joint Official Liquidators of LV II Investment Management Ltd (in Official Liquidation)

c/o Nelsons Attorneys at Law Ltd, Grand Pavilion, 802 West Bay Road, PO Box 30069, George Town, Grand Cayman KY1-1201, Cayman Islands

Ref: JH/4911-3 Email: jharris@nelsonslegal.com Tel: +1 345 949 9710

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