



IN THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CAUSE NO. FSD OF 2025 ( JAJ)

IN THE MATTER OF THE COMPANIES ACT (2025 REVISION)

AND IN THE MATTER OF PERFORMANCE AUTOMOTIVE LTD

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WINDING UP PETITION

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**To the Grand Court**

The humble petition of Robert Laidlaw of c/o Ogier (Cayman) LLP, 89 Nexus Way, Camana Bay, Grand Cayman, Cayman Islands KY1-9009 (the "**Petitioner**") shows that:-

**A Introduction**

1. The Petitioner presents this petition for:
  - (a) the winding up of Performance Automotive Ltd (the "**Company**") pursuant to sections 92(d) and 93 of the Companies Act (2025 Revision) (the "**Companies Act**") on the grounds that the Company is insolvent and unable to pay its debts; and

This Petition is filed by Ogier (Cayman) LLP, Attorneys-at-Law for Robert Laidlaw, whose address for service is:89 Nexus Way, Camana Bay, Grand Cayman KY1-9009, Cayman Islands (MKS/MGI/512409.00001)

- (b) the appointment of Karen Scott and Russell Homer of Chris Johnson Associates Ltd, Elizabethan Square, P.O. Box 2499, 80 Shedden Road, George Town, Grand Cayman, Cayman Islands KY1-1104 as joint official liquidators of the Company.

**B The Company**

2. The Company was incorporated as a resident company on 21 July 2020 (Registration 364507).
3. The Company's registered office is at 7 Archie Street, North Sound Estates, Grand Cayman, Cayman Islands.
4. The Company's principal place of business is 69 Barnes Drive, Industrial Park, Georgetown, Grand Cayman, Cayman Islands.
5. The Company provides automotive services including the importation of cars to the Cayman Islands.

**C The Petitioner**

6. The Petitioner is a resident of the Cayman Islands and a customer of the Company.

**D Background**

*The Contract*

7. On 31 May 2024, the Petitioner agreed to purchase a new 2024 Tesla Model S Base (the "**Tesla**") from the Company for the sum of CI\$ 96,700.02, which included all fees and costs for delivery to the Petitioner in the Cayman Islands.
8. The contract contained the following express terms:
  - (a) The Petitioner would pay the Company CI\$ 96,700.02; and
  - (b) The Company would supply the Tesla to the Petitioner.

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9. The following terms were necessarily implied into the contract to give business efficacy to the agreement:
  - (a) The Company would deliver the Tesla within a reasonable period of time; and
  - (b) The Company would refund CI\$ 96,700.02 in full if it was unable to supply the Tesla.
10. The Company estimated delivery within 3 to 4 weeks from the date of payment, although this was not guaranteed.

*Petitioner's performance of the contract*

11. The Petitioner paid the sum of CI\$ 96,700.02 to the Company on 4 June 2024.

*Company's breach of contract*

12. The Company failed to deliver the Tesla either within its original 3 to 4 week estimate or at all.
13. On 7 October 2024 the Company confirmed that the Tesla could not be delivered and that a refund would be processed within 4 weeks, by no later than Monday 4 November 2024.
14. The Company failed to refund the CI\$96,700.02 by 4 November 2024 or at all.

**E The Company is unable to pay its debts**

15. On 29 January 2025, the Petitioner served a statutory demand (the "**Statutory Demand**") on the Company at its registered office pursuant to section 93(a) of the Companies Act.
16. The Statutory Demand demanded payment of CI\$ 96,700.02 being the amount that the Petitioner had paid for the Tesla.

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17. The deadline for payment of the Statutory Demand was Thursday 19 February 2025. As at the date of this petition the Company has failed to make any payments in satisfaction of the Statutory Demand.

**F Relief Sought**

18. In the premises the Company is deemed insolvent and should be wound up in accordance with sections 92(d) and 93 of the Companies Act.

Your Petitioner therefore humbly prays that:-

- (1) The Company be wound up in accordance with section 92(d) of the Companies Act.
- (2) Karen Scott and Russell Homer of Chis Johnson Associates Ltd be appointed as joint official liquidators of the Company (the "**JOLs**").
- (3) The registered office of the Company be moved to Chris Johnson Associates Ltd, Elizabethan Square, P.O. Box 2499, 80 Shedden Road, George Town, Grand Cayman, Cayman Islands KY1-1104.
- (4) The JOLs be authorised to act jointly and severally in their capacity as liquidators of the Company.
- (5) The JOLs shall not be required to give security for their appointment.
- (6) The JOLs be authorised to take any such action as may be necessary or desirable to obtain recognition of the Official Liquidators and/or their appointment in any other relevant jurisdiction and to make applications to the courts of such jurisdictions for such purpose.
- (7) The JOLs be at liberty to appoint counsel, attorneys, and/or any other professional advisors, whether in the Cayman Islands or elsewhere as they may consider necessary to advise and assist them in the performance of their duties and on such terms as they may think fit and to remunerate them out of the assets of the Company.

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- (8) The JOLs shall have the power to engage staff (whether or not as employees of the Company) to assist that person in the performance of that person's functions.
- (9) The remuneration and expenses of the JOLs shall be paid out of the assets of the Company.
- (10) The Petitioner's costs of and incidental to the Petition shall be paid out of the assets of the Company as an expense of the liquidation, such costs to be taxed if not agreed with the JOLs.
- (11) Power to carry on the business of the company so far as may be necessary for its beneficial winding up.
- (12) The power to sell any of the company's property by public auction or private contract with power to transfer the whole of it to any person or to sell the same in parcels.
- (13) The JOLs be at liberty to apply generally.
- (14) Further or other relief as the Court sees fit.

AND your Petitioner will ever pray etc.

Dated the 20th day of March 2025



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**Ogier (Cayman) LLP**  
**Attorneys for the Petitioner**

**NOTE:** This petition is intended to be served on the Company at its registered office.

This Petition was presented on behalf of Robert Laidlaw by his attorneys-at-law Ogier (Cayman) LLP, whose address for service is 89 Nexus Way, Camana Bay, Grand Cayman KY1-9009, Cayman Islands.

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**NOTICE OF HEARING**

**TAKE NOTICE THAT** the hearing of this petition will take place at the Law Courts, George Town, Grand Cayman, on Tuesday 29th April 2025 at 10:00am.

Any correspondence or communication with the Court relating to the hearing of his petition should be addressed to the Registrar of the Financial Services Division of the Grand Court at PO Box 495, Grand Cayman, KY1-1106, telephone 345 959 4296.

This Petition is filed by Ogier (Cayman) LLP, Attorneys-at-Law for Robert Laidlaw, whose address for service is: 89 Nexus Way, Camana Bay, Grand Cayman KY1-9009, Cayman Islands (MKS/MGI/512409.00001)