

HCA 1873 /2010

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. 1873 OF 2010

BETWEEN

JBPB & CO.
(formerly known as GRANT THORNTON)
(a firm)

Plaintiff

AND

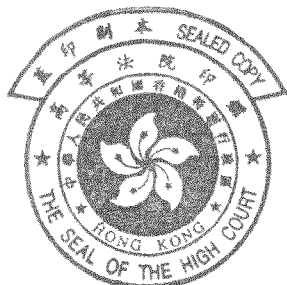
FONG CHUNG MARK	1 st Defendant
LIN CHING YEE DANIEL	2 nd Defendant
SIM KON FAH	3 rd Defendant
DING WAI CHUEN	4 th Defendant
KWONG KAM WING KELVIN	5 th Defendant
CHIU WING NING CALVIN	6 th Defendant

WRIT OF SUMMONS

Issued on the 22nd day of December 2010.
Filed on the 22nd day of December 2010.

Joseph Li & Co.
Solicitors for the Plaintiff
18th Floor
Pearl Oriental House
60 Stanley Street
Central
Hong Kong
Tel: 2854 3299
Fax: 2543 6664
Ref: JL/10-2836/CL

Claim nature:
A. * Mixed Claim
B. Contract and Tort



Writ of Summons
(Order 6 rule 1)

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(formerly known as GRANT THORNTON) (a firm)

Plaintiff

AND

FONG CHUNG MARK	1 st Defendant
LIN CHING YEE DANIEL	2 nd Defendant
SIM KON FAH	3 rd Defendant
DING WAI CHUEN	4 th Defendant
KWONG KAM WING KELVIN	5 th Defendant
CHIU WING NING CALVIN	6 th Defendant

TO THE 1ST DEFENDANT, FONG CHUNG MARK of 18B, Hamilton Court, 8 Po Shan Road, Hong Kong.

TO THE 2ND DEFENDANT, LIN CHING YEE, DANIEL of House 5, Bisney View, 47-49 Bisney Road, Pok Fu Lam, Hong Kong.

TO THE 3RD DEFENDANT, SIM KON FAH of Flat 2B, Block 18, Coastline Villa, Discovery Bay, Lantau Island, Hong Kong.

TO THE 4TH DEFENDANT, DING WAI CHUEN of Flat C, 15/F., Tower 1, Elegant Terrace, 36 Conduit Road, Mid-levels, Hong Kong.

TO THE 5TH DEFENDANT, KWONG KAM WING KELVIN of Flat A, 12/F., Tower 5, Manhattan Hill, 1 Po Lun Street, Kowloon.

TO THE 6TH DEFENDANT, CHIU WING NING CALVIN of Unit G, 15/F., Tower 3, The Belcher's, 89 Pokfulam Road, Hong Kong

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the back.

Within (14 days) after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Registry of the High Court the accompanying

ACKNOWLEDGMENT OF SERVICE stating therein whether you intend to contest these proceedings or to make an admission.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings or to make an admission, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

*[If you intend to make an admission, you may complete an appropriate form enclosed in accordance with the accompanying Directions for Acknowledgment of Service.]

Issued from the Registry of the High Court this 22nd day of December, 2010

Registrar

Note: – This Writ may not be served later than 12 calendar months beginning with that date unless renewed by order of the Court.

IMPORTANT

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

Indorsement of Claim

The Plaintiff's Claims are for:-

1. Damages for breaches by the 1st-6th Defendants of their fiduciary duties/duty of fidelity to the Plaintiff arising out of their positions as salaried partners in the employ of the Plaintiff, namely their duties to act honestly and in good faith and to use their best endeavours to advance the business interests of the Plaintiff during their employ with the Plaintiff as from 1st July 2007 until the termination of their respective employment with the Plaintiff in 2009 or 2010 as the case may be. By reason of such breaches, the Plaintiff has suffered loss and damage including but not limited to the following: -
 - (a) The Plaintiff's loss of an established accounting practice estimated to be worth at least HK\$640 millions (actual value to be assessed), representing the commercial value of the Plaintiff's accounting practice under the trading name of Grant Thornton to a willing buyer;
 - (b) The Plaintiff's loss of custom from clients of Grant Thornton;
 - (c) The Plaintiff's loss of profit from the business of Grant Thornton;
 - (d) The Plaintiff's loss of goodwill in the trading name of Grant Thornton;
2. Damages for conspiracy to injure the interests of the Plaintiff by the Defendants;
3. The said sum of HK\$640 millions (to be assessed);
4. An Account to be taken of the directors' fees/emoluments received by the 1st and 4th Defendants respectively as independent non-executive directors ("INED") of certain listed companies during their employ with the Plaintiff as from 1st July 2007 until the termination of their employment with the Plaintiff in May 2009 and August 2009 respectively; and
5. An Order for the payment by the 1st and 4th Defendants of the amount found to be due to the Plaintiff on the taking of such account;
6. All appropriate orders and/or declarations;
7. Further and/or other relief;
8. Interest pursuant to s. 48 of High Court Ordinance, Cap.4 at such rate and for such period as the Court deems fit and thereafter at judgment rate until payment; and
9. Costs.

Dated this 22nd day of December 2010



Joseph Li & Co.
Solicitors for the Plaintiff

(Where the Plaintiff's claim is for a debt or liquidated demand only: If, within the time for returning the Acknowledgement of Service, the Defendant pays the amount claimed and HK\$_____ for costs, further proceedings will be stayed. The money must be paid to the Plaintiff or his Solicitor.)

THIS WRIT was issued by Messrs. Joseph Li & Co of 18th Floor, Pearl Oriental House, 60 Stanley Street, Central, Hong Kong, Solicitors for the Plaintiff whose principal place of business is at 6th Floor, Nexxus Building, 41 Connaught Road Central, Hong Kong.

A handwritten signature in black ink, appearing to be a stylized 'L' or 'J' followed by a horizontal line and a small flourish.

Acknowledgment of Service of Writ of Summons
(Order 12 rule 3)

Directions for Acknowledgment of Service

1. The accompanying form of ACKNOWLEDGMENT OF SERVICE should be detached and completed by a Solicitor 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 Registry of the High Court at the following address: –

“ LG1, High Court Building, 38 Queensway, Hong Kong.”

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings **MUST ALSO** file a DEFENCE which must be written in either the Chinese or the English language with the Registry and serve a copy thereof on the Solicitor for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words “Statement of Claim” appear at the top of the back), the Defence must be filed and served within 28 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If a Statement of Claim is not indorsed on the Writ, the Defence must be filed and served within 28 days after a Statement of Claim has been served on the Defendant. If the Defendant fails to file and serve his Defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

The Defendant’s defence must be verified by a statement of truth in accordance with Order 41A of the Rules of the High Court (Cap. 4 sub. leg. A).

3. If the only remedy that the Plaintiff is seeking is the payment of a liquidated amount of money or the payment of an unliquidated amount of money, you may admit the Plaintiff’s claim in whole or in part by completing Form No. 16 or Form No. 16C (as the case may require) accompanying the Writ of Summons.

A completed Form No. 16 or Form No. 16C must be filed with the Registry of the High Court and served on the Plaintiff [or the Plaintiff’s Solicitors] within the period for service of the Defence.

4. A Defendant who wishes to dispute the jurisdiction of the Court of First Instance in the proceedings or to argue that the Court of First Instance should not exercise its jurisdiction in the proceedings, and wishes to apply to the Court of First Instance for an order staying the proceedings, must give notice of intention to defend the proceedings and make the application within the time limited for service of a defence.

See attached Notes for Guidance

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 Registry of the High Court.

[2. 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 and a writ served by post or by insertion through the Defendant's letter box is treated as having been served on the seventh day after the date of posting or insertion.]

(Note: Not applicable if the defendant is a company served at its registered office.)

3. 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 Writ of Summons)".

4. Where the Defendant is a FIRM and a Solicitor 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.

5. 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.

6. Where the Defendant is a LIMITED COMPANY the form must be completed by a Solicitor or by someone authorized to act on behalf of the Company, but the Company can take no further step in the proceedings without a Solicitor acting on its behalf.

7. Where the Defendant is a MINOR or a MENTAL Patient, the form must be completed by a Solicitor acting for a guardian *ad litem*.

8. A Defendant acting in person may obtain help in completing the form at the Registry of the High Court.

9. These notes deal only with the more usual cases. In case of difficulty a Defendant in person should refer to paragraph 8 above.

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Plaintiff

AND

FONG CHUNG MARK
LIN CHING YEE DANIEL
SIM KON FAH
DING WAI CHUEN
KWONG KAM WING KELVIN
CHIU WING NING CALVIN

1st Defendant
2nd Defendant
3rd Defendant
4th Defendant
5th Defendant
6th Defendant

**ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

If you intend to instruct a Solicitor to act for you, give him 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.

Delay may result in judgment being entered against a Defendant whereby he or his Solicitor may have to pay the costs of applying to set it aside.

See Notes 1,
3,4 and 5.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

yes no

Note: This is a legal document. The consequences of ignoring it may be serious. If in doubt, you should enquire as soon as possible at the High Court Registry issuing the document, namely at LG1, High Court Building, 38 Queensway, Hong Kong. You should also consider taking the advice of a Solicitor or applying for Legal Aid.