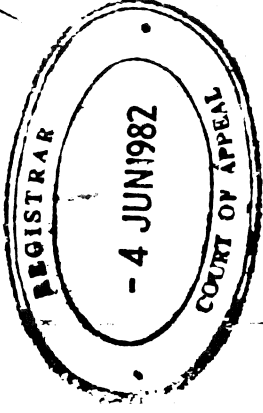
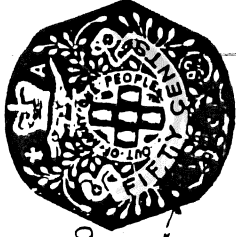


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IN THE COURT OF APPEAL
CAYMAN ISLANDS APPEAL NO

Cause No. 108 of 1982



In the matter of Evidence (Proceedings in the
other Jurisdiction) (Cayman Islands) Order 1978

- and -

In the matter of the Confidential Relationships
(Preservation) Law 1976 as amended

- and -

In the matter of the Evidence Law 1978

- and -

In the matter of the Grand Court (Foreign Process)
Rules 1977

- and -

In the matter of the Extradition Act 1870

- and -

In the matter of proceedings pending in The
United States District Court for The District
of Columbia

BETWEEN The United States of America

AND: Roy R. Carver
Joseph C. Lemire
Lionel W. Achuck
Jon T. Stephens
Interconex, Inc.

ORDER

Upon this Appeal coming on for hearing before the Court of Appeal and after hearing Mr. Norman Hill, Q.C., Counsel for the Appellant in support of the said Appeal, and Mr. R. Alberga, Q.C., for the Attorney General as amicus curiae, it is hereby ordered that the Appeal be allowed and the said orders of the Chief Justice granted on April 19, 1982 and May 12, 1982 be varied as follows:

IT IS HEREBY ORDERED that David Challice of Barclays Bank International Limited - Grand Cayman; Edwin Gilmour of Barclays Bank International Limited - Grand Cayman; Cyrus Regnart of Bank of Nova Scotia - Grand Cayman; W. Bayko and or Tony Connolly of Bank of Nova Scotia - Grand Cayman do attend before the Honourable Gerard D. Reilly, who is hereby appointed Commissioner, on Monday, the 5th day of July 1982, at 10:00 o'clock in the forenoon, at the Board Room of the offices of Messrs. A. Steve McField and Associates, George Town, Grand Cayman, or such other day and time as the said Commissioner may appoint, and do there submit to be examined upon oath or affirmation, touching the testimony so required and relating to the matters set forth in the LETTERS OF REQUEST for International Judicial Assistance of the United States District Court for the District of Columbia, and in the Affidavit of John D. Arterberry, attached to the Affidavit of A. Steve McField filed herein and marked as Exhibit ASM 'I'.

And, special cause being shown, namely that an Order is necessary in order to give effect to the Request of the United States District Court for the District of Columbia, IT IS FURTHER ORDERED:

- (i) that David Challice do appear and give evidence on all matters related to the receipt and disposition of the sum of \$294,000 which funds were credited to the account or accounts of International Resource Management Consultants at Barclays Bank International Limited - Grand Cayman by means of wire transfer of \$200,000 on or about June 27, 1977 and two checks (\$44,000 and \$50,000) payable to Heidi Carver and deposited to the said account or accounts on or about November 4, 1977.
- (ii) that Edwin Gilmour, the proper officer of Barclays Bank International Limited - Grand Cayman, as custodian of records do produce all correspondence, ledgers, day books, account books, used in the ordinary course of business relating to the account or accounts held by International Resource Management Consultants, relating to the receipt of \$294,000 which funds were credited to the account or accounts by means of a wire transfer of \$200,000 on or about June 27, 1977, and two checks (\$44,000 and \$50,000) payable to Heidi Carver and deposited into the account or accounts on or about November 4, 1977 and of the subsequent disposition of the said funds, and that the said Edwin Gilmour of Barclays Bank International Limited do appear to prove the relevant matters, transactions and accounts recorded in their records.
- (iii) that Cyrus Regnard of Bank of Nova Scotia - Grand Cayman do produce all correspondence, ledgers, day books, account books used in the ordinary course of business relating to the account or accounts held by Redcon Limited relating to the receipt of \$500,000 which funds were credited to the account or accounts by means of three checks (\$300,000; \$100,000 and \$100,000) payable to Redcon and deposited into the account or accounts on or about November 8, 1977 and the subsequent disposition of the said funds, and that the said Cyrus Regnard of Bank of Nova Scotia do appear to prove the relevant matters, transactions and accounts recorded in their records.
- (iv) that Tony Connolly and/or W. Bayko the proper officers of the Bank of Nova Scotia as custodian of records do produce all correspondence, ledgers, day books, account books used in the ordinary course of business relating to the account or accounts held by Redcon Limited relating to the receipt of \$500,000, which funds were credited to the account or accounts by means of three checks (\$300,000; \$100,000 and \$100,000) payable to Redcon and deposited into the account or accounts on or about November 8, 1977 and the subsequent disposition of the said funds, and that the said Tony Connolly and/or W. Bayko of Bank of Nova Scotia do appear to prove the relevant matters, transactions and accounts recorded in their records.

AND IT IS FURTHER ORDERED that the said witnesses do apply to the Grand Court pursuant to Section 3 A of the Confidential Relationships (Preservation) Law for directions as to manner of giving evidence and the production and inspection of the said documents within seven days of the service of the said order herein.

AND IT IS FURTHER ORDERED that John D. Arterberry, Attorney, United States Department of Justice, or any other lawful representative of The United States Department of Justice, or any other lawful representative of The United States of America, is hereby authorized to inspect and take copies of the said documents to be produced by the said witnesses herein.

AND IT IS FURTHER ORDERED, in accordance with the Request of Her Honour Judge Norma Holloway Johnson, contained in the Request for International Judicial Assistance, that a verbatim stenographic recording be made of the said evidence and that the proceedings in respect thereof be videotaped by means of videotape recording to be supplied by the authorities of The United States of America.

AND IT IS FURTHER ORDERED that the said videotape recordings be neither edited nor copied, without leave of Her Honour Judge Norma Holloway Johnson, or such other judicial authority as may be appropriate in the said United States of America.

AND IT IS FURTHER ORDERED, in accordance with the said Request of Her Honour Judge Norma Holloway Johnson, that the taking of said evidence be governed by the Federal Rules of Evidence and Procedure, save that any of the said witnesses may refuse to answer any question tending to criminate himself; AND FURTHER, that all evidentiary objections under the laws of The United States of America shall be noted and preserved for the trial court as provided in Rule 30 (c), Federal Rules of Civil Procedure.

AND IT IS FURTHER ORDERED that after the evidence has been transcribed and recorded as aforesaid, it be filed in the Registry of the Grand Court and that the Clerk of the Grand Court do forward said transcripts, exhibits and videotape recordings, together with a copy of this Order to the United States District Court for the District of Columbia, in accordance with the Grand Court (Foreign Process) Rules 1977.

AND FURTHER, that this order be served on the said witnesses and the Attorney General of the Cayman Islands.

Dated the 4th day of JUNE 1982.

BY THE ORDER OF THE COURT

*Some copies
registered*

Sgt. N. E. Mc Intosh

REGISTRAR