

IN THE GRAND COURT OF THE CAYMAN ISLANDS

50014
CAUSE NO. OF 2010

IN THE MATTER OF THE EVIDENCE (PROCEEDINGS IN OTHER JURISDICTIONS)(CAYMAN ISLANDS) ORDER 1978

AND

IN THE MATTER OF A REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE FROM, TRIAL COURT JUDGE, SILVIA ESTELA GIGENA, JUDICIAL DISTRICT OF SANTOS 3RD FAMILY AND PROBATE COURT, REPUBLIC OF BRAZIL

AND IN THE MATTER OF CIVIL PROCEEDINGS, LITIGIOUS JUDICIAL SEPARATION ACTION AGAINST LOURDES MAGALHAES FERREIRA DA COSTA

EX PARTE ORIGINATING SUMMONS

LET ALL PARTIES CONCERNED attend before the Judge in Chambers at the Law Court, George Town, Grand Cayman on the day of 2010 at o'clock in the fore/afternoon, on the hearing of an application by the Honourable Attorney General for orders that:

1. That the Custodian of Records of Banif Banco International Do Funchal of Box 32338, KY1-1206 3rd Floor Genesis Bldg, GT Grand Cayman do give evidence and produce the following documents:
 - a. Copies of all statements of the last five years containing remittances and withdrawals of values of joint account no. 41276;
 - b. Copies of all statements of the last five years containing remittances and withdrawals of values of any other chequing account existing at Banif Banco International Do Funchal in the name of Eleodoro Aleves da Costa (Taxpayer Card No. 814.262.328-53).

2. That before any evidence is given or documentary material is produced, that the Custodian of Records of Banif Banco International do Funchal do apply to the Grand Court pursuant to section 4 of the Confidential Relationships (Preservation) Law (1995 Revision) for directions as to the manner of giving such evidence within 7 days of the service of any order of this Honourable Court.
3. That the said Clerk of Court do take down or cause to be taken down in writing the evidence of the said witness according to the rules and practice of the Grand Court pertaining to the examination of the witness and do request the said witness to sign the deposition taken in pursuance of this Order.
4. That the Clerk of Court do take possession of all the documentary material produced by the Custodian of Records of Banif Banco International do Funchal.
5. That the Clerk of Court do file the above mentioned evidence in the Registry of the Grand Court and do forward the said transcript and all documentary evidence exhibited hereto and produce to Trial Judge Silvia Estela Gigena, Judicial District of Santos 3rd Family and Probate Court, Republic of Brazil.
6. Such further orders and directions as this Honourable Court shall deem fit.

Dated this 8th day of January, 2010

Legal Department

Government Legal Department

Crown Counsel for the

Attorney General

Estimated Time: 30 minutes

This summons was issued on behalf of the Honourable Attorney General whose address for service is the Legal Department, dms House, Ground Floor, 20 Genesis Close – Off Dr. Roy's Drive, George Town, Cayman Islands.

Schedule

Questions to Custodian of Records of Banif Banco International Do Funchal:

1. Please state your name and occupation.
2. What is the nature of your duties?
3. Does Banif Banco International Do Funchal possess records of statements of the last five years containing remittances and withdrawals of values of joint account no. 41276?
4. Does Banif Banco International Do Funchal possess records of statements of the last five years containing remittances and withdrawals of values of any other chequing account existing at Banif Banco International Do Funchal in the name of Eleodoro Alves da Costa (Taxpayer Card No. 814.262.328-53)? If so, please state in full the account numbers and the name(s) of the account holder(s).

END OF SCHEDULE