

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

0255  
CAUSE NO: FSD NO. OF 2010

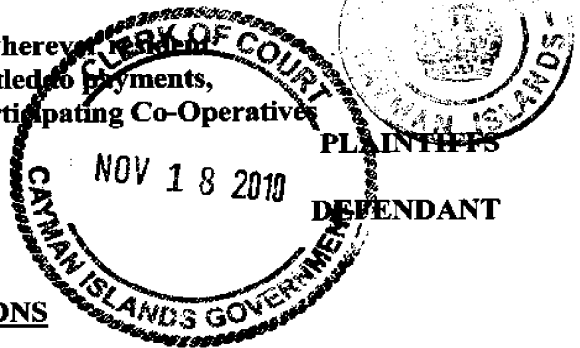


BETWEEN:

- (1) MARSHA MARTIN  
(2) FERN CAMIRAND

(as representatives of all persons, wherever they may be,  
Who, after 1<sup>st</sup> June 1994, were entitled to payments,  
Current or deferred, under the Participating Co-Operatives  
Of Ontario Trusteed Pension Plan)

MARK EDWARD WORKMAN



PLAINTIFFS  
DEFENDANT

**WRIT OF SUMMONS**

TO: MARK EDWARD WORKMAN of 62 Mary Read Crescent, South Sound, PO box 32120 Grand Cayman, Cayman Islands KY1-1208

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

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 Court Office, P.O. Box 495, George Town, Grand Cayman KY1-1105, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

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, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued 17<sup>th</sup> day of November 2010

NOTE - This Writ 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 the date of issue unless renewed by order of the Court.

**IMPORTANT**

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

**THIS WRIT** is filed by Campbells, Attorneys at Law for the Plaintiff whose address for service is 4<sup>th</sup> Floor, Scotia Centre, P.O. Box 884, Grand Cayman KY1-1103 CAYMAN ISLANDS. Tel: 949 2648 Fax: 949 8613 (Ref: AJW/KAH/sam/13315-17586)

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

**CAUSE NO: FSD OF 2010**

**BETWEEN:** (1) **MARSHA MARTIN**  
(2) **FERN CAMIRAND**  
**(as representatives of all persons, wherever resident**  
**Who, after 1<sup>st</sup> June 1994, were entitled to payments,**  
**Current or deferred, under the Participating Co-Operatives**  
**Of Ontario Trusteed Pension Plan) PLAINTIFFS**

**AND: MARK EDWARD WORKMAN DEFENDANT**

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**STATEMENT OF CLAIM**

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1. The Plaintiffs are the representative plaintiffs and judgment creditors in Court File no. 03-CV-244195CP in the Ontario Superior Court of Justice (“the Ontario Action”).
2. On 20th May 2010, the Plaintiffs obtained judgment in the Ontario Action against the Defendant (and an associated company) in the sum of CAN\$36,882,055.50 together with costs in the sum of CAN\$140,170.00 plus pre- and post-judgment interest (calculated in accordance with the Courts of Justice Act R.S.O. 1990, Chapter c.43 sections 127 and 128) (“the Ontario Judgment”).
3. The Defendant is justly and truly indebted to the Plaintiffs in the amount of the Ontario Judgment, but has failed to satisfy it. Accordingly, the Plaintiffs have suffered loss and/or damage in the amount of the Ontario Judgment.

**AND THE PLAINTIFFS CLAIM:**

- (1) CAN\$37,022,225.50 together with pre- and post-judgment interest amounting to the sum of CAN\$7,048,580.29 to 16<sup>th</sup> November 2010

and continuing at the daily rate of CAN\$2,020.93 per day until judgment or sooner payment

- (2) Further or alternatively, interest pursuant to section 34 of the Judicature Law (1995 Revision) at such rate from such date and on such amount as this honourable Court thinks fit.
- (3) Costs
- (4) Such further or other relief as this honourable Court thinks just.

Dated 16<sup>th</sup> November 2010  
Filed .....November 2010

*Campbells*

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**CAMPBELLS**  
Attorneys at law for the Plaintiff

To: The Clerk of the Court

And to: The Defendant

**THIS STATEMENT OF CLAIM** is filed by Campbells, Attorneys at Law for the Plaintiff whose address for service is 4<sup>th</sup> Floor, Scotia Centre, P.O. Box 884, Grand Cayman KY1-1103 CAYMAN ISLANDS. Tel: 949 2648 Fax: 949 8613 (Ref: AJW/KAH/sam/13315-17586).

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

**CAUSE NO: FSD NO. OF 2010**

**BETWEEN: (1) MARSHA MARTIN  
(2) FERN CAMIRAND  
(as representatives of all persons, wherever resident  
Who, after 1<sup>st</sup> June 1994, were entitled to payments,  
Current or deferred, under the Participating Co-Operatives  
Of Ontario Trusteed Pension Plan)**

**PLAINTIFFS**

**AND: MARK EDWARD WORKMAN**

**DEFENDANT**

**ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS**

If you intend to instruct an Attorney 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 may have to pay the costs of applying to set it aside.

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

**MARK EDWARD WORKMAN**

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2. State whether the Defendant intends to contest the proceedings (tick appropriate box)  
 yes  no

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3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (tick box)  
 yes  no

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Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney for] the Defendant

Address for service:

**Please complete overleaf**

**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, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

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

Campbells, attorneys at law  
4<sup>th</sup> Floor, Scotia Centre  
Albert Panton Street  
PO Box 884  
Grand Cayman KY1-1103  
Cayman Islands

Tel: 345 949 2486  
Fax: 345 949 8613  
Email: [khoughton@campbells.com.ky](mailto:khoughton@campbells.com.ky)  
Ref: AJW/KAH/sam/13315-17586

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

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS**

1. 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 495, George Town, Grand Cayman KY1-1106.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also serve a defence* on the Attorney 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 on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, issue a Summons for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

**See over for 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 Courts Office.
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.
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 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 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 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.
7. Where the Defendant is a **MINOR** or a **MENTAL PATIENT**, the form must be completed by an Attorney acting for a guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.