

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

FSD NO. 108 OF 2012 (AJJ)

**The Hon. Mr. Justice Andrew J. Jones QC
In Chambers on 8th August 2012**



**IN THE MATTER OF THE CONFIDENTIAL RELATIONSHIPS (PRESERVATION)
LAW (2009 REVISION)**

**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 IN RESPECT OF A CIVIL PROCEEDING NOW PENDING IN THE
SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF
ORANGE, CENTRAL JUSTICE CENTER BEFORE THE HONOURABLE ROBERT J.
MOSS, DEPARTMENT C-23 ENTITLED AS FOLLOWS:**

GRAY 1 CPB, LLC

Plaintiff

-and-

**GULFSTREAM FINANCE, INC.; BRUCE ELIEFF; KATHY ELIEFF;
DOES 1-50 INCLUSIVE**

Defendants

ORDER FOR DIRECTIONS

UPON hearing Counsel for Western International Trust Company Limited ("Western") and Mr. Keith High ("Mr. High), collectively referred to as "the Applicants"

AND UPON reading the Affidavit of Keith High sworn on 7 August 2012 and the Orders for Evidence made in FSD Cause #10 of 2012, including those made against the Applicants.

AND UPON the Court being satisfied that Abacus Capital Inc ("Abacus") and Delta Capital Inc ("Delta") are also parties to FSD Cause #10 of 2012 and that Orders for Evidence have been made against them.

AND UPON the Court being satisfied that the evidence required to be given by the Applicants in respect of Abacus is the same in all material respects as the evidence required to be given by Abacus itself

AND UPON the Court being satisfied that the evidence required to be given by the Applicants in respect of Delta is the same in all material respects as the evidence required to be given by Delta itself

IT IS ORDERED AND DIRECTED that the Originating Summons will be struck out for failure to comply with the requirements of GCR order 103, rule 4 on 7 September 2012 UNLESS in the meantime –

1. The Applicants file an affidavit or affidavits containing evidence :-
 - (a) identifying the relevant principals, other than Abacus and Delta, to whom the Applicants claim to owe a duty of confidentiality in respect of the evidence required to be given by them;
 - (b) describing the circumstances giving rise to such duty of confidentiality and the nature and scope of the duty;
 - (c) explaining the position adopted by each such relevant principal and the reasons why they object to the evidence being given.

2. The Applicants file a written submission which explains how they put their respective cases generally and in particular –
 - (a) the basis upon which it is said that Mr High owes a duty of confidentiality except in his capacity as a director or officer of Western and the basis upon which it is said that Western owes relevant duties of confidentiality to anyone other than its clients or former clients; and
 - (b) the legal basis upon which it is argued that the Applicants are properly entitled or required to seek directions under Section 4 in respect of Abacus and Delta and/or the Court can properly direct the Applicants to give or not to give evidence about Abacus

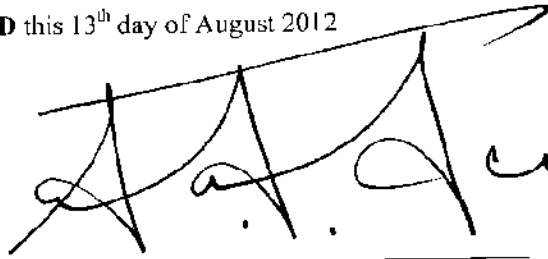


and Delta when they are parties to the same proceeding and are subject to Orders for Evidence requiring them to give the same evidence themselves.

AND IT IS FURTHER DIRECTED that, if not struck out, the Originating Summons will be heard on 2nd October 2012 immediately after the hearing of the application (in FSD #10 of 2012) to set aside the Order for Evidence.

DATED this 8th day of August 2012

FILED this 13th day of August 2012

A handwritten signature in black ink, appearing to read 'A. J. Jones', written over a horizontal line.

THE HON. MR. JUSTICE ANDREW J. JONES, Q.C.
JUDGE OF THE GRAND COURT

