

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

FSD NO. 109 OF 2012 (AJJ)

The Hon. Mr. Justice Andrew J. Jones QC  
In Chambers on 8<sup>th</sup> 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 the Fidelity Bank (Cayman) Limited ("the Applicant")

AND UPON READING the affidavit of Roger Brett Hill sworn on 7 August 2012 and the Orders for  
Evidence made in FSD Cause #10 of 2012, including the order made against the Applicant

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 Applicant in respect  
of Abacus and Delta is also required to be given by Abacus and Delta themselves

ITS IS ORDERED and DIRECTED that the Originating Summons will be struck out for failure to  
comply with GCR Order 103, rule 4 on 7<sup>th</sup> September 2012 UNLESS in the meantime -


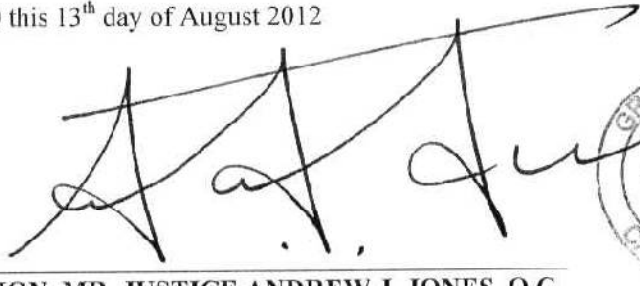
1. The Applicant files an affidavit or affidavits containing evidence –
  - (a) confirming whether or not Abacus, Delta, Blackstar Capital SA (“Blackstar”) and Larvotto Ltd (“Larvotto”) maintain or have maintained bank accounts with the Applicant and, if so –
    - (i) describing the Applicant’s knowledge of the Abacus, Delta, Blackstar and Larvotto, the nature and extent of the customer relationships and the material terms of its respective contracts;
    - (ii) explaining the positions adopted by Blackstar and Larvotto and their respective reasons for objecting to the evidence being given; and
    - (iii) explaining the positions adopted by Abacus and Delta in the event that they have not applied to set aside the Orders for Evidence made against them or in respect of them; and
  - (b) if it is contended that the evidence required to be given by the Applicant is confidential as against anyone other than the Abacus, Delta, Blackstar and/or Larvotto –
    - (i) identifying the relevant principals;
    - (ii) describing the customer relationships and the material terms of the contracts; or
    - (iii) describing the circumstances giving rise to non-contractual duties of confidentiality and the nature and scope of the duties; and
    - (iv) explaining the positions adopted by the relevant principals and their reasons for objecting to the evidence being given.
2. The Applicant files a written submission explaining how it puts its case generally and, in particular explaining the legal basis upon which it is argued that the Applicant is properly entitled or required to seek directions under Section 4 in relation to Abacus and Delta and/or the Court can properly direct the Applicant to give or not to give evidence about Abacus and Delta when they are themselves party to the same proceeding (FSD Cause #10 of 2012) and 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 2 October 2012 immediately after the hearing of the application (in FSD Cause #10 of 2012) to set aside the Orders for Evidence.

**DATED** this 8<sup>th</sup> day of August 2012

**FILED** this 13<sup>th</sup> day of August 2012



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