

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

FSD NO. 110 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 I CPB, LLC

Plaintiff

-and-

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

Defendants

ORDER FOR DIRECTIONS

UPON Hearing Counsel for Rurik Trust Company (International) Limited (“Rurik”), Centennial Capital Inc (“Centennial”) and Mr. Roger Hendrickson (“Mr. Hendrickson”), collectively referred to as “the Applicants”

AND UPON reading the Affidavit of Michael Guitard 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 the evidence required to be given by Centennial is also required to be given by Rurik and Mr. Hendrickson (both in his capacity as a director of Rurik and in his capacity as a director of Centennial)

AND UPON the Court being satisfied that the evidence required to be given by Mr. Hendrickson in respect of Paradise Hills SA (“Paradise”) is also required to be given by Paradise itself and that Paradise has not applied to set aside the Order for Evidence made against it in FSD Cause #10 of 2012

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

1. Centennial files an affidavit or affidavits containing evidence :-
 - (a) identifying the relevant principals to whom it claims to owe a duty of confidentiality in respect of the evidence required to be given;
 - (b) describing the circumstances giving rise to such duty of confidentiality and the nature and scope of the duty; and
 - (c) explaining the position adopted by each such relevant principal and the reasons why they object to the evidence being given.

2. Rurik files an affidavit or affidavits containing evidence –
 - (a) identifying the relevant principals, other than Centennial, to whom its claims to owe a duty of confidentiality in respect of the evidence required to be given;
 - (b) describing the circumstances giving rise to such duty of confidentiality and, to the extent that such duties are contractual, summarising the relevant contractual terms; and
 - (c) explaining the position adopted by each such relevant principal and the reasons why they object to the evidence being given.

3. Mr Hendrickson files an affidavit containing evidence –



- (a) identifying the relevant principals, other than Centennial and Rurik, to whom he claims to owe a duty of confidentiality in respect of the evidence required to be given by him;
 - (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.
4. 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 argued that the Applicants are properly entitled or required to seek directions under Section 4 in respect of Centennial and Paradise and/or that the Court can properly direct Rurik and/or Mr. Hendrikson to give or not to give evidence about Centennial and Paradise 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;
 - (b) The basis upon which it is said that Mr. Hendrikson owes relevant duties of confidentiality except in his capacity as a director and/or officer of Rurik and Centennial;
 - (c) The basis upon which it is said that Rurik owes relevant duties of confidentiality to anyone other than its clients.

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 applications (in FSD Cause #10 of 2012) to set aside the Orders for Evidence.

DATED this 8th day of August 2012
FILED this 13th day of August 2012


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

