

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION



CAUSE NO. FSD 0038 OF 2013

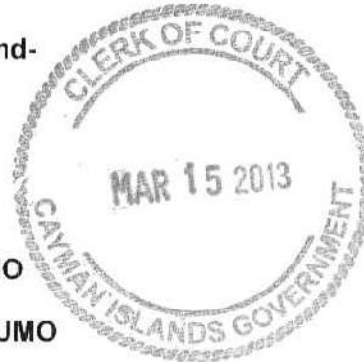
BETWEEN:

ROYAL BANK OF CANADA TRUST COMPANY (CAYMAN) LIMITED
(As Managing Trustee of the Firetrucks Trust dated 28 October 2008)

Plaintiff

-and-

- (1) DANIEL CATALFUMO
- (2) SUSAN JILL CATALFUMO
- (3) CARA JUSTINE CATALFUMO
- (4) ALICIA BRITNEY CATALFUMO
- (5) GIOVANNI SALVATORE CATALFUMO



Defendants

ORIGINATING SUMMONS

TO: The First to Fifth Defendants, c/o Maples & Calder, Ugland House, George Town, Grand Cayman who are beneficiaries under the above-mentioned Trust ("the Trust");

LET THE DEFENDANTS within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, PO Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of the Plaintiff, c/o Walkers, 190 Elgin Avenue, George Town, Grand Cayman KY1-9001 which is the sole Managing Trustee of the Trust, the Plaintiff seeks the following relief pursuant to Order 85, Rule 2(3)(c) of the Grand Court Rules, namely:

- (a) An order that the Plaintiff be directed (1) to support any application by the First Defendant ("Mr Catalfumo") to be joined as a Defendant to the claim presently made by BBX Capital Asset Management LLC against the Plaintiff only in proceedings in this Court (Cause No.FSD 158 of 2012 AJJ) ("the Claim") or (2) alternatively, if no such application is made by Mr Catalfumo, to make such an application itself, so that Mr Catalfumo may act as the lead Defendant in relation to the Claim;
- (b) An order that the Plaintiff may indemnify Mr Catalfumo out of the assets of the Trust in respect of the costs incurred by him in defending the Claim (including the costs of making the application referred to in a. above);
- (c) Alternatively, if orders in terms of a and b above are not made or if an application to join Mr Catalfumo as a Defendant to the Claim is unsuccessful, directions as to whether the Plaintiff should itself actively defend the Claim and be indemnified out of the assets of the Trust in respect of the costs of doing so;
- (d) That all further and necessary directions be given.
- (e) That provision may be made for the costs of this Application.
- (f) Further or other relief.

If a Defendant does not acknowledge service, such judgment may be given or order made against him or in relation to him as the Court may think just and expedient.

Dated the 15th day of March 2013



WALKERS

Attorney for the Plaintiff

This Originating Summons was issued by Walkers, Attorneys at Law, 190 Elgin Avenue, George Town, Grand Cayman KY1-9001, Cayman Islands, for the Plaintiff whose address for service is care of its said Attorneys at Law.

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(As Managing Trustee of the Firetrucks Trust dated 28 October 2008)

Plaintiff

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Defendants

ACKNOWLEDGEMENT OF SERVICE
OF ORIGINATING 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.

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

2. State whether the Defendant intends to contest or otherwise participate in the proceedings (*tick appropriate box*).

yes

no

Service of the Originating Summons is acknowledged accordingly.

(Signed)

[Attorney] for

[Defendant in person]

Address for service:

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 principal office.

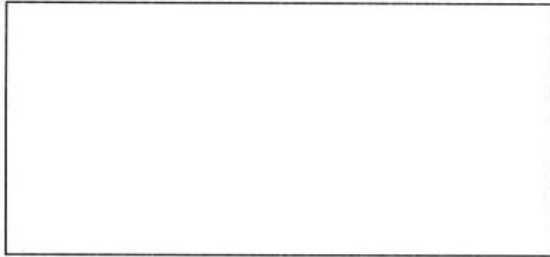
Please complete overleaf

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

Walkers
Attorneys at Law
Walker House
87 Mary Street
George Town
Grand Cayman KY1-9001

Ref: CAW/ND/R1389-113147

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

A large, empty rectangular box with a thin black border, intended for the indorsement by the defendant's attorney or the defendant.

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF ORIGINATING SUMMONS

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, PO Box 495GT, George Town, Grand Cayman.

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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. For the purpose of calculating the period of 28 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.
4. 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 Originating Summons)".
5. 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.
6. 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.
7. 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.

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