

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE NO FSD 38 of 2013 (AFJ)

In Chambers

10 April 2013

Before the Honourable Mr Justice Foster Q.C.



B E T W E E N:-

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 BRITTNEY CATALFUMO

(5) GIOVANNI SALVATORE CATALFUMO

Defendants

ORDER

UPON the Plaintiff's Originating Summons dated 15 March 2013;

AND UPON the oral application of BBX Capital Asset Management LLC ("**BBX**"), as Plaintiff in BBX Capital Asset Management LLC v Royal Bank of Canada Trust Company (Cayman) Limited & Ors (Cause No FSD of 2012 (AJJ)) (the "**Main Proceedings**"), for leave to make submissions in relation to the orders sought in the Originating Summons, as an interested party;

AND UPON reading the First Affidavit of Piers Stradling and the First Affidavit of Daniel Catalfumo and the exhibits thereto;

AND UPON hearing Counsel for the Plaintiff, Counsel for the Defendants and Leading Counsel for BBX;

IT IS ORDERED AND DIRECTED that:

1. Leave be granted to BBX to make submissions in relation to the orders sought in the Originating Summons, as an interested party;
2. The Plaintiff do apply to join Mr Catalfumo as a Defendant to the Main Proceedings;
3. The Plaintiff do indemnify Mr Catalfumo out of the assets of the Firetrucks Trust dated 28 October 2008 as varied ("**Trust**") in respect of:
 - a. the costs incurred by Mr Catalfumo in relation to the Plaintiff's application in the Main Proceedings pursuant to paragraph 2 above and,
 - b. If Mr Catalfumo be joined as a Defendant to the Main Proceedings, Mr Catalfumo's costs of defending the Main Proceedings,such indemnities to be effective immediately;
4. In the event that the application to join Mr Catalfumo directed at paragraph 2 above is unsuccessful, the Plaintiff shall actively defend the Main Proceedings itself and shall be indemnified out of the assets of the Trust in respect of the costs of doing so;
5. In the event that there should be any appeals (interlocutory or final) of any orders made in the Main Proceedings, there be liberty to the Plaintiff and Defendants to apply for further directions;
6. The Plaintiff and Defendants shall be indemnified in respect of their costs of this application out of the assets of the Trust.

DATED this 10th day of April 2013

FILED this 15th day of April 2013



MR JUSTICE FOSTER Q.C.
JUDGE OF THE GRAND COURT



This Order is filed by Walkers, Attorneys at Law, Walker House, 190 Elgin Avenue, George Town, Grand Cayman KY1-9001 for the Plaintiff whose address for service is care of said Attorneys at Law.