

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

FSD CAUSE NO 57 OF 2013 (AJJ)

THE HON. MR. JUSTICE ANDREW J. JONES QC
IN CHAMBERS, 5 AUGUST 2013

IN THE MATTER OF the Declaration of Trust dated 2 March 1998 Constituting the Diamond Trust and of the Supplemental Declaration of Trust dated 2 March 1998 as amended by a Deed of Amendment dated 25 September 2012

AND IN THE MATTER OF the Declaration of Trust dated 29 August 1998 constituting the Attila Unit Trust (formerly known as the G.O. Unit Trust)

AND IN THE MATTER OF an application by Trustcorp Limited under the Trusts Law (2011 Revision) and GCR Order 85 rule 2

BETWEEN

TRUSTCORP LIMITED (in liquidation)

Plaintiff

and

HIDEO SETO THE TRUSTEE OF THE ESTATE
OF KENSHIN OSHIMA A BANKRUPT (1)

YURIKO OSHIMA (2)

KABUSHIKI KAISHA SIGMA (3)

Defendants



ORDER

UPON hearing counsel for the Plaintiff upon their originating summons dated 6 May 2013 for directions pursuant to GCR O.85 r.2.

AND UPON hearing counsel for the First Defendant and counsel for the Second and Third Defendants

AND UPON reading the First and Second Affidavits of Edward Daniel Shorrocks both sworn 2 May 2013, the First Affirmation of Hideo Seto made 20 June 2013, the First Affidavit of Yoshihito Oshima sworn 26 June 2013 and the unsworn Third Affidavit of Edward Daniel Shorrocks filed herein.

1 of 2

This Order was filed by Charles Adams Ritchie & Duckworth attorneys at law, Zephyr House 122 Mary Street, Grand Cayman KY1-1107, CAYMAN ISLANDS for the Plaintiff whose address for service is care of its attorneys at law

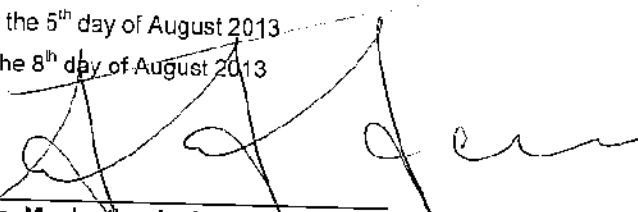
AND UPON Edward Daniel Shorrocks, the liquidator of the Plaintiff, by its counsel undertaking to swear his unsworn Third Affidavit filed herein on 12 August 2013 or as soon as possible thereafter and to file the same at court.

IT IS ORDERED THAT:

1. The Plaintiff shall adopt a neutral position in relation to Grand Court proceeding 573 of 2012 ("the Main Proceedings") and, without prejudice to the foregoing, that the Plaintiff shall be at liberty to participate in the Main Proceedings and take the following steps:
 - (a) File an Acknowledgement of Service in respect of the Amended Originating Summons dated 22 March 2013;
 - (b) Comply with any discovery obligations and/or any orders for discovery made against the Plaintiff in the Main Proceedings;
 - (c) Comply with any obligation and/or any other order made against the Plaintiff in the Main Proceedings.
2. The Plaintiff shall be indemnified in respect of the costs reasonably and properly incurred in respect of the Main Proceedings and these proceedings, out of the assets of the Diamond Trust and the Attila Unit Trust, such costs to be allocated equally between the two trusts save that in relation to the Diamond Trust such costs shall be allocated only against the beneficial interest of Kenshin Oshima therein.
3. There shall be liberty to apply.
4. Save as set out at paragraph 2, above, there is no order as to costs.

DATED the 5th day of August 2013

FILED the 8th day of August 2013


The Hon. Mr. Justice Andrew J. Jones Q.C.
JUDGE OF THE GRAND COURT

