

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE NO: FSD 98 OF 2012 (PCJ)
(formerly Cause No.: 141 of 2012)

BETWEEN:

RC CAYMAN HOLDINGS LLC

Plaintiff

AND:

MICHAEL RYAN

Defendant

ORDER

UPON the Defendant's Summons dated 17 September 2013;

AND UPON hearing Counsel for the Plaintiff and Counsel for the Defendant



IT IS HEREBY ORDERED THAT:

1. The Plaintiff make an affidavit (pursuant to Order 24, Rule 7) stating whether any document specified or described in paragraphs 1.1 - 1.11 below, or any class of documents so specified or described is or has at any time been in its possession, custody or power (including documents within the possession custody or power of the Plaintiff from other companies within the group of which it forms a part and including documents within the possession custody or power of the Plaintiff held by its agents).
 - 1.1 Complete unredacted copies of the files of Eastdil, Charterland, and Alastair Paterson;
 - 1.2 All reports, appraisals and other communications between the Five Mile Group and KPMG as receivers and/or Mr Elphinstone and/or Mr Messer in relation to the value and/or intended sale of the Resort; the Morrison transfer; the Master Strata 404 title; the Golf Agreement and the chattels purchase;

This **ORDER** was filed by Thorp Alberga, attorneys for the Defendants, whose address for service is 2nd Floor, Harbour Place, P.O. Box 472, Grand Cayman KY1-1106, Cayman Islands (Ref: R0397-005)

- 1.3 Records of all correspondence and communications between the Five Mile Group and/or its agents and the Cayman Islands Land Registry concerning the value of the Resort property;
- 1.4 All correspondence within the Five Mile Group and between the Five Mile Group and the other members of the Lender Group regarding the mechanisms and processes of sale, the value of the property and the reserve price at auction;
- 1.5 All documents within the Plaintiff's possession, custody or power whereby the Plaintiff acquired its interest in the loan and security;
- 1.6 All documents within the Plaintiff's possession, custody or power created in 2011 containing valuations of the Plaintiff's interest in the loan and security;
- 1.7 Evidence of compliance by the purported successful bidders with the terms and conditions of the auction and the acquisition by them of any interest in the Ritz Carlton Grand Cayman;
- 1.8 All financial statements prepared by the Ritz Carlton in respect of the Resort, including but not limited to monthly operating statements up to the date of the Auction;
- 1.9 All communications between the Five Mile Group and Credit Suisse, prior to Five Mile's acquisition of the senior tranche of the debt stack, concerning the status of the Loan Agreement, including (but not confined to) any representations received or made by Credit Suisse concerning past or current breaches of the Loan Agreement, the good standing of the Borrowers, historic certifications that the Borrowers were not in breach of the Loan Agreement and the Borrowers' ongoing compliance with their obligations under the Loan Agreement;
- 1.10 All communications internal to the Five Mile Group or between the Five Mile Group and Ritz Carlton, Dart and GENCOM relating to the planned completion of the golf course and/or the possibility of Ritz Carlton ceasing to manage the course, prior to the appointment of the Receivers; and



- 1.11 Any records of discussions and/or settlements between Five Mile and Ritz Carlton concerning the shareholders' alleged obligation to pay outstanding strata fees.
2. Save in respect of the unredacted copies of the files of Eastdil, which shall be dealt with within 21 days, compliance with the terms of this Order shall be effected within 14 days of the date of this Order.
3. The costs of this application will be the Defendant's costs in the cause.
4. Liberty to apply.

DATED this 8 day of October 2013

FILED this ¹² day of ~~October~~ ^{November} 2013


The Honourable Justice Cresswell
Judge of the Grand Court



**THE HONOURABLE JUSTICE SIR PETER CRESSWELL
JUDGE OF THE GRAND COURT**

Approved as to form and content:

Conyers Dill & Pearman (Cayman) Ltd

Conyers Dill & Pearman (Cayman) Limited
Attorneys for the Plaintiff

Travers Thorp Alberga

Travers Thorp Alberga
Attorneys for the Defendant

