

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

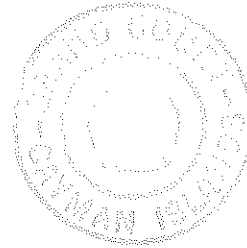
**FINANCIAL SERVICES DIVISION**

**CAUSE NO: FSD 199 of 2015 (NRLC)**

**IN THE MATTER OF a trust known as the Ophelia Trust made by  
Declaration of Trust between the settlor and the First Union  
Bank and Trust Company (Cayman) Ltd on 6 May 1996**

**AND IN THE MATTER OF the Trusts Law (2011 Revision)**

**AND IN THE MATTER OF GCR Order 85 Rule 2(2)(a) or (b)**



**BETWEEN:**

**CI Trustees Ltd**

**Plaintiff**

**AND:**

- 1. RDK**
- 2. GMB**

**Defendants**

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**ORDER**

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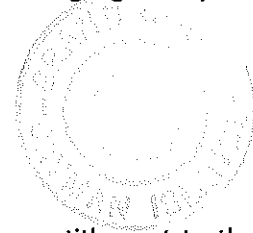
**UPON** the Plaintiff's Originating Summons filed on 9 December 2015 coming on for hearing on 14 January 2016.

**AND UPON** hearing counsel for the Plaintiff and counsel for the Second Defendant

**AND UPON** counsel for the First Defendant appearing on a watching brief

**AND UPON** reading the First Affidavit of Nicholas Quin sworn on 5 January 2016

**AND UPON** the Plaintiff undertaking to the Court not to make any appointments out of the assets of the Ophelia Trust save with respect to the payment of its fees and expenses (including legal fees) and costs incurred preserving the assets of the Trust until further Order

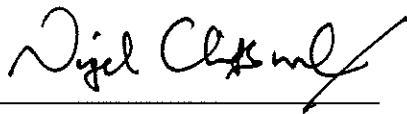


**IT IS ORDERED** that:

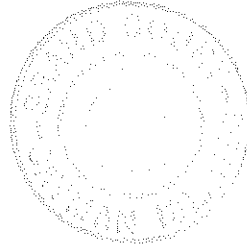
1. The Second Defendant shall file and serve Points of Claim as to her entitlement to the Trust assets within 28 days.
2. The Trustee shall file and serve its Defence within 28 days of the date of service of the Second Defendant's Points of Claim with the Second Defendant having leave to file any Reply within 21 days thereafter.
3. The parties shall within 42 days after the close of pleadings give discovery by list of documents of all documents relevant to the issues raised on the parties' respective statements of case, with inspection to take place in accordance with GCR O.24 r.9.
4. The parties shall exchange Witness Statements from the witnesses of fact on whose evidence they propose to rely within 42 days of inspection.
5. The parties are at liberty to adduce expert evidence limited to evidence as to the mental capacity of the Settlor.
6. The Second Defendant shall serve the report of her expert on the Plaintiff concurrently with service of her Witness Statements.
7. The Plaintiff shall serve the report of its expert on the Second Defendant three weeks after service on the Plaintiff of the expert report of the Second Defendant.
8. Within 28 days of service of the Plaintiff's expert report the experts shall meet and discuss their respective reports and shall prepare and produce to the parties and to the Court a joint report identifying those matters about which they agree and those matters about which they disagree.
9. If the experts are disagreed as to any matter the parties have liberty to call expert witnesses at the trial, with cross examination to be limited to the areas of disagreement identified in the joint report of the experts.

10. Liberty to apply.
11. The Trustee's costs of and incidental to the Originating Summons shall be raised and paid out of the assets of the Ophelia Trust on the indemnity basis.

Dated the 14<sup>th</sup> day of January 2016  
Filed the 15<sup>th</sup> day of January 2016



**THE HONOURABLE MR JUSTICE CLIFFORD QC**  
**JUDGE OF THE GRAND COURT**  
**FINANCIAL SERVICES DIVISION**



This ORDER was filed by Harney Westwood & Riegels, attorneys-at-law for the Plaintiff, whose address for service is 4<sup>th</sup> Floor Harbour Place, 103 South Church Street, George Town, PO Box 10240, Grand Cayman KY1-1002, Cayman Islands (Ref: DCB/JGW/021138.0011)

Approved as to form and content

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Harney Westwood & Riegels  
Attorneys for the Plaintiff

Approved as to form and content

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Mourant Ozannes  
Attorneys for the Second Defendant

