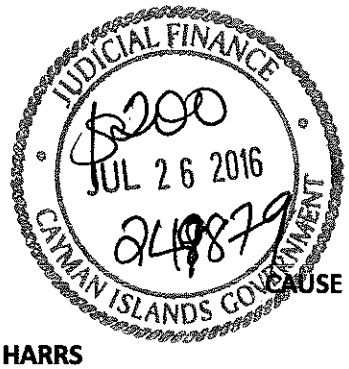
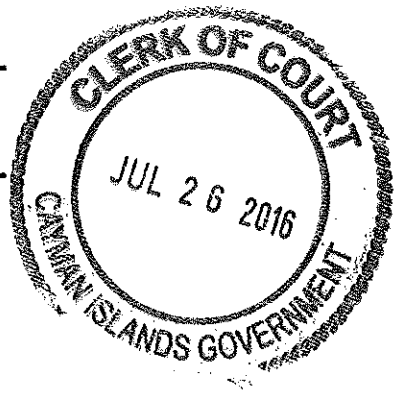
IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION



CAUSE NO: G0140 **OF 2016**

BETWEEN	**SOLOMON HARRS (A FIRM)**	**PLAINTIFF**
AND	**MICHAEL SEAN LEVITT**	**DEFENDANT**



WRIT OF SUMMONS

TO: Michael Sean Levitt
Her Majesty's Prison Northward
24 Sheffield Drive (Off Northward Road)
Bodden Town,
Grand Cayman
Cayman Islands

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within **14 days** after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 26 day of July 2016

NOTE - This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

THIS WRIT OF SUMMONS was **FILED** by **SOLOMON HARRIS** of 3rd Floor, FirstCaribbean House, P.O. Box 1990, KY1-1104, Cayman Islands, Attorneys-at-law for and on behalf of the Plaintiff whose address for service is that of its said Attorneys-at-law.

STATEMENT OF CLAIM

1. The Defendant was at all material times an accountant employed by SH Accounting Services Ltd. The Defendant carried out accounting services for the Plaintiff. In order for the Defendant to perform these services the Plaintiff enabled the Defendant to make payments on its behalf from the Plaintiff's bank accounts if such payment had been duly authorised by the Plaintiff.

2. The Defendant owed the Plaintiff fiduciary duties in regard to the operation of the Plaintiff's bank accounts including a duty to act in good faith and in the best interests of the Plaintiff.

3. The Defendant without authority and without the Plaintiff's knowledge or consent and in breach of his duties to the Plaintiff caused to be made payments from the Plaintiff's bank accounts standing to the credit of the Plaintiff, by wire transfer, bank draft and cheque to accounts in his name and also to third parties for the benefit of himself in the total amount of US$711,219.30 ("Unauthorised Payments").

4. The Defendant was convicted on 13 June 2013 of being possession of criminal property stolen from the Plaintiff in the sum of US$711,219.30.

5. Of the Unauthorised Payments the Plaintiff has recovered to date the sum of US$311,547.08 broken down as follows:-

   5.1. Funds recovered from Third Party of US$140,000.00;

   5.2. Sale proceeds from the sale of a house located at 82 Liguanea Circle in the sum of US$129,047.08 after payment of mortgage and realtor costs;

   5.3. Sale proceeds from the sale of a VW motor vehicle in the sum of US$19,451.22;

   5.4. Sale of a liquor licence in the sum of US$23,048.78.

6. The Defendant is liable to account to the Plaintiff for the balance of the Unauthorised Payments received by him on the grounds that he received them without authority, knowledge or consent

of the Plaintiff and without giving any consideration for them and knowing the sums involved belonged to the Plaintiff.

7. The Defendant has failed and neglected to account to the Plaintiff for the Unauthorised Payments.

8. By reason of the Defendant making the Unauthorised Payments the Plaintiff has suffered loss and damage in the amount of US$399,672.22.

AND THE PLAINTIFF CLAIMS:

1. All sums paid by the Defendant to himself or to third parties for his benefit as money had and received by the Defendant to the Plaintiff's use in the sum of US$399,672.22

2. Further and alternatively an Order that the Defendant is liable to account to the Plaintiff for the sum of US$399,672.22 or such other sums as the Court thinks fit by reason of his breach of duty to the Plaintiff and should pay such sums to the Plaintiff.

3. An inquiry as to what assets of the Defendant represent the sum of US$399,672.22.

4. Interest; and

5. Costs

DATED the 26 day of July 2016

Solomon Harris

SOLOMON HARRIS
ATTORNEYS-AT-LAW FOR THE PLAINTIFFS

THIS WRIT OF SUMMONS was **FILED** by **SOLOMON HARRIS** of 3rd Floor, FirstCaribbean House, P.O. Box 1990, KY1-1104, Cayman Islands, Attorneys-at-law for and on behalf of the Plaintiff whose address for service is that of its said Attorneys-at-law.

DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE OF WRIT OF SUMMONS

1. 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, P.O. Box 495G, George Town, Grand Cayman, Cayman Islands.

   A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings must also serve a defence on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

2. If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

   If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

   If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A Stay of Execution against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, issue a Summons for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance
Please complete overleaf

Notes for Guidance

THIS WRIT OF SUMMONS was **FILED** by **SOLOMON HARRIS** of 3rd Floor, FirstCaribbean House, P.O. Box 1990, KY1-1104, Cayman Islands, Attorneys-at-law for and on behalf of the Plaintiff whose address for service is that of its said Attorneys-at-law.

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.

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.

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 Writ of Summons)".

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.

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.

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.

Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.

A Defendant acting in person may obtain help in completing the form at the Courts Office.

THIS WRIT OF SUMMONS was **FILED** by **SOLOMON HARRIS** of 3rd Floor, FirstCaribbean House, P.O. Box 1990, KY1-1104, Cayman Islands, Attorneys-at-law for and on behalf of the Plaintiff whose address for service is that of its said Attorneys-at-law.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: OF 2016

BETWEEN	SOLOMON HARRS (A FIRM)	PLAINTIFF
AND	MICHAEL SEAN LEVITT	DEFENDANT

ACKNOWLEDGEMENT OF SERVICE OF WRIT OF 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.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

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

2. State whether the Defendant intends to contest the proceedings (tick appropriate box)
   ☐ yes ☐ no

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (tick box)
   ☐ yes ☐ no

Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

Please complete overleaf

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 or principal office.

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

Solomon Harris
Attorneys-at-law
3rd Floor, First Caribbean House
P.O. Box 1990
Grand Cayman, KY1-1104
Cayman Islands

Tel: (345) 949-0488
Fax: (345) 949-0364
Email: lhatfield@solomonharris.com

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