

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION**

**CAUSE NO: FSD OF 2020 ( )**

**BETWEEN:**

**(1) PACER CONSTRUCTION HOLDINGS CORPORATION**

Plaintiff

**AND:**

- (1) OLGA PELLETIER**
- (2) PAUL DANIEL PELLETIER**
- (3) PDP CORPORATION**
- (4) PDP HOLDINGS INC.**
- (5) 1829773 ALBERTA LTD.**
- (6) BUTTERFIELD BANK (CAYMAN) LIMITED (AS ORIGINAL TRUSTEE FOR THE PELLETIER STAR TRUST)**
- (7) FORBES HARE TRUST COMPANY LIMITED (AS SUCCESSOR TRUSTEE FOR THE PELLETIER STAR TRUST)**
- (8) RICHARD PAUL JOSEPH PELLETIER AND OLGA PELLETIER (AS ORIGINAL TRUSTEES FOR THE PELLETIER FAMILY TRUST)**
- (9) JEFF SCARLETT AND BLAIR PENNOCK (AS SUCCESSOR TRUSTEES FOR THE PELLETIER FAMILY TRUST)**
- (10) ECLIPSE TRUSTEES LIMITED (AS SUCCESSOR TRUSTEE FOR THE PELLETIER FAMILY TRUST)**
- (11) RONALD GIRVITZ AND OLGA PELLETIER (AS ORIGINAL TRUSTEES FOR THE OLGA PELLETIER FAMILY TRUST)**
- (12) JEFF SCARLETT AND BLAIR PENNOCK (AS SUCCESSOR TRUSTEES FOR THE OLGA PELLETIER FAMILY TRUST)**
- (13) ECLIPSE TRUSTEES LIMITED (AS SUCCESSOR TRUSTEE FOR THE OLGA PELLETIER FAMILY TRUST)**
- (14) ANNE PELLETIER**
- (15) RACHELLE PELLETIER**
- (16) DOMINIQUE PELLETIER**
- (17) DENISE PELLETIER**



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**WRIT OF SUMMONS**

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- TO: (1) Olga Pelletier of the following addresses: (a) Suite N402, 45 Tanager Way, West Bay, Grand Cayman, Cayman Islands; (b) 6284 Strada Fragante, Rancho Santa Fe, CA 92091, United States; (c) 73 Route de Caux, Montreux, Switzerland; (d) an unknown address in British Columbia or Alberta, Canada; and (e) an unknown address in England, or elsewhere in the United Kingdom.
- (2) Paul Daniel Pelletier of the following addresses: (a) Suite N402, 45 Tanager Way, West Bay, Grand Cayman, Cayman Islands; (b) 6284 Strada Fragante, Rancho Santa Fe, CA 92091, United States; (c) 73 Route de Caux, Montreux, Switzerland; (d) 1975 Renfrew Road, Shawnigan Lake, British Columbia, V0R 2W1, Canada; (e) an unknown address in British Columbia or Alberta, Canada; and (f) an unknown address in England, or elsewhere in the United Kingdom.
- (3) PDP Corporation c/o Forbes Hare Trust Company Limited, Cassia Court Suite 716, Camana Bay, 10 Market Street, Grand Cayman, KY1-9006, Cayman Islands.
- (4) PDP Holdings Inc. c/o Forbes Hare Trust Company Limited, Cassia Court Suite 716, Camana Bay, 10 Market Street, Grand Cayman, KY1-9006, Cayman Islands.
- (5) 1829773 Alberta Ltd., of 1601, 333 11th Avenue S.W., Calgary, Alberta T2R 1L9, Canada.
- (6) Butterfield Bank (Cayman) Limited of 68 Fort Street, George Town, Grand Cayman, KY1-1107, Cayman Islands.
- (7) Forbes Hare Trust Company Limited of Cassia Court Suite 716, Camana Bay, Grand Cayman, Cayman Islands.
- (8) Richard Paul Joseph Pelletier of the following addresses: (a) Suite N402, 45 Tanager Way, West Bay, Grand Cayman, Cayman Islands; (b) 6284 Strada Fragante, Rancho Santa Fe, CA 92091, United States; (c) 73 Route de Caux, Montreux, Switzerland; (d)

38 Auburn Glen Place SE, Calgary, Alberta, Canada, T3M 0P9; (e) an unknown address in British Columbia or Alberta, Canada; and (f) an unknown address in England, or elsewhere in the United Kingdom.

- (9) Jeff Scarlet of 2201, 10088 – 102 Avenue, Edmonton, Alberta, Canada.
- (10) Blair Pennock of 2201, 10088 – 102 Avenue, Edmonton, Alberta, Canada.
- (11) Eclipse Trustees Limited c/o ORA Fiduciary (Cook Islands) Limited, Global House, Avarua, Rarotonga, Cook Islands.
- (12) Ronald Girvitz of 1601, 333 11th Ave. SW, Calgary, Alberta, Canada.
- (13) Anne Pelletier of Windermere, British Columbia, Canada.
- (14) Rachelle Pelletier of Calgary, Alberta, Canada.
- (15) Dominique Pelletier of Calgary, Alberta, Canada.
- (16) Denise Pelletier of Iroquois Falls, Ontario, Canada.
- (17) Paul Pelletier of Iroquois Falls, Ontario, Canada.

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on page 5.

Within 14 days after the service of this Writ on you, counting the day of service, or, if you are served out of the jurisdiction, within such other period of time as the Court may order, you must either satisfy the claim or return to the Registrar of the Financial Services Division, Court Office, PO Box 495G, George Town, Grand Cayman, KY1-1106, Cayman Islands, 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 17<sup>th</sup> day of June 2020

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.

THIS WRIT was issued by Maples and Calder, attorneys for the Plaintiff, whose address for service is PO Box 309, Ugland House, Grand Cayman, KY1-1104, Cayman Islands. (Ref: CJMWAC/766666.01/62954706)

**IMPORTANT**

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

## GENERAL ENDORSEMENT

### THE PLAINTIFF Claims:

(1) Declarations that the following dispositions of property are void pursuant to section 4 of the Fraudulent Dispositions Law (1996 Revision):

(a) Transfer of Can\$20 million from, or on behalf of, Richard Paul Joseph Pelletier ("**Mr Pelletier**") or Richard Pelletier Holdings Inc. ("**RPHI**") to:

i. Olga Pelletier on or around 27 June 2014; or

ii. in the alternative:

A. Ronald Girvitz and Olga Pelletier (as original trustees for the Olga Pelletier Family Trust) (the "**OPFT Original Trustees**"), on or around 27 June 2014, and the subsequent transfers of funds totalling approximately Can\$20 million from the OPFT Original Trustees to Olga Pelletier, between 3 July 2014 and 9 February 2017; or

B. Jeff Scarlett and Blair Pennock (as successor trustees for the Olga Pelletier Family Trust) (the "**OPFT Successor Trustees**"), on or around 27 June 2014, and the subsequent transfers of funds totalling approximately Can\$20 million from the OPFT Successor Trustees to Olga Pelletier, between 3 July 2014 and 9 February 2017.

(b) Transfer of property in Calgary, Alberta, Canada, with the following legal description from Mr Pelletier to Olga Pelletier, on or around 9 April 2015:

*Parcel One: Condominium Plan 9512180, Unit 15, and 157 Undivided One Ten Thousandth Shares in the Common Property Excepting thereout all mines and minerals*

*-and-*

*Parcel Two: Condominium Plan 9512180, Unit 100, and 1 Undivided One Ten Thousandth Shares in the Common Property Excepting thereout all mines and minerals*

*-and-*

*Parcel Three: Condominium Plan 9512180, Unit 101, and 1 Undivided One Ten Thousandth Shares in the Common Property/Excepting thereout all mines and minerals,*

- (c) Transfers from Mr Pelletier to Olga Pelletier:
  - i. of CHF\$750,000 on or around 20 November 2017; and
  - ii. of CHF\$55,022.05 on 14 June 2019.
  
- (d) Transfers in the total amount of approximately Can\$3.794 million from Mr Pelletier to various family members, in cash and real estate, during the period between 2014 and 2018, including as follows:
  - i. Transfer of Can\$50,000 from Mr Pelletier to Anne Pelletier on or about 27 July 2016.
  - ii. Transfer of Can\$310,000 from Mr Pelletier to Rachelle Pelletier on or about 22 August 2016.
  - iii. Gifts of jewellery and monetary amounts to Paul Pelletier and Denise Pelletier.
  - iv. Purchase by Mr Pelletier of a home for Dominique Pelletier.
  - v. Purchase by Mr Pelletier of a home for Rachelle Pelletier.
  - vi. Such other transfers as will be proven at trial.
  
- (e) Transfer of US\$4 million from Mr Pelletier to PDP Corporation on or around 22 October 2014.

- (f) Transfer of 10 ordinary shares in PDP Corporation from Mr Pelletier to Butterfield Bank (Cayman) Limited (as original trustee of the Pelletier STAR Trust) ("**Butterfield Bank**") on or around 23 October 2014, and the subsequent transfer of those shares to the Fifth Defendant ("**FHTC**") on or around 18 September 2019.
  - (g) Transfer of US\$4,735,074.03 from Mr Pelletier to PDP Holdings Inc. on or around 1 September 2015.
  - (h) Transfer of Can\$12,798,522.71 from Mr Pelletier to PDP Holdings Inc. on or around 1 September 2015.
  - (i) Transfer of US\$264,925.97 from Mr Pelletier to PDP Holdings Inc. on or around 11 September 2015.
  - (j) Transfer of Can\$1,201,477.29 from Mr Pelletier to PDP Holdings Inc. on or around 15 September 2015.
  - (k) Transfer of 10 ordinary shares in PDP Holdings Inc. from Mr Pelletier to Butterfield Bank on or around 17 September 2015, and the subsequent transfer of those shares to FHTC on or around 18 September 2019.
  - (l) Such other transfers from, or on behalf of, Mr Pelletier or RPHI, to any one or more of the Defendants, as will be proven at trial.
- (2) Such further or other relief as may be just.
- (3) Interest pursuant to section 34 of the Judicature Law (2017 Revision).
- (4) Costs.

DATED this 17<sup>th</sup> day of June 2020

*Maples and Calder.*

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**Maples and Calder**  
**Attorneys for the Plaintiff**

THIS WRIT was issued by Maples and Calder, attorneys for the Plaintiff, whose address for service is PO Box 309, Ugland House, Grand Cayman, KY1-1104, Cayman Islands. (Ref: CJMWAC/766666.01/62954706)

**DIRECTIONS FOR ACKNOWLEDGMENT 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, PO Box 495G, George Town, Grand Cayman, KY1-1106, Cayman Islands.

- 2 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).

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 overleaf for Notes for Guidance**

**Please complete overleaf**

## Notes for Guidance

- 1 Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
- 2 For the purpose of calculating the period of 14 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.
- 3 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)".
- 4 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.
- 5 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.
- 6 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.
- 7 Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
- 8 A Defendant acting in person may obtain help in completing the form at the Courts Office.

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

CAUSE NO: FSD OF 2020 ( )

BETWEEN:

(1) PACER CONSTRUCTION HOLDINGS CORPORATION

Plaintiff

AND

(1) OLGA PELLETIER

(2) PAUL DANIEL PELLETIER

(3) PDP CORPORATION

(4) PDP HOLDINGS INC.

(5) 1829773 ALBERTA LTD.

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(14) ANNE PELLETIER

(15) RACHELLE PELLETIER

(16) DOMINIQUE PELLETIER

(17) DENISE PELLETIER

**ACKNOWLEDGMENT 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.

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

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2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

yes                       no

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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

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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.

Maples and Calder  
PO Box 309  
Ugland House  
George Town  
Cayman Islands  
KY1-1104  
(Ref: CJM/WAC/766666.01/62954706)

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

[Empty box for defendant's attorney indorsement]