

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO.: 78 OF 1998

BETWEEN: KANEMATSU (HONG KONG) LIMITED

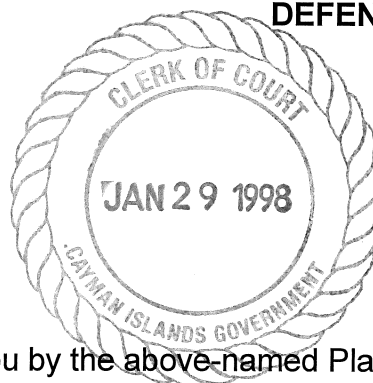
PLAINTIFF

AND: EURASIA EXPRESS LINE LIMITED

DEFENDANT

WRIT OF SUMMONS

TO: Eurasia Express Line Limited
c/o Quin & Hampson
Harbour Centre
North Church Street



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.

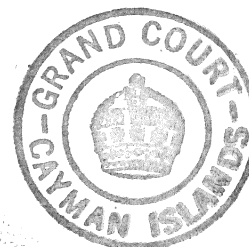
If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 29 day of January 1998.

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.



STATEMENT OF CLAIM

1. The plaintiff is a company formed under the laws of Hong Kong and its registered office is situated at Room 5501-6 Hopewell Center, 183 Queen's Road East, Hong Kong.
2. The defendant was formed as an exempted company under the laws of the Cayman Islands and its registered office is situated at the office of Quin & Hampson, Harbour Centre, North Church Street, George Town, Grand Cayman.
3. The plaintiff began an action against the defendant before the High Court of Justice of England and Wales ("the High Court"), in file no. 1996 Folio No. 1724, on 6th September, 1996 ("the English proceedings").
4. The defendant acknowledged service of the writ in the English proceedings and gave notice of its intention to defend the suit.
5. The High Court entered a summary judgment for the plaintiff in the English proceedings on 9th April, 1997 ("the judgment").
6. The defendant applied for leave to appeal to the Court of Appeal of England and Wales from the judgment. That application was denied by both the High Court and the said Court of Appeal.
7. The defendant was ordered, by the judgment, to pay the plaintiff the principal sum of US\$2,133,316.00 and interest in the sum of US\$273,805.54, for a total judgment debt of US\$2,407,121.54 ("the judgment debt").
8. The defendant has failed or refused to pay the judgment debt to the plaintiff.

9. The plaintiff has been kept out of a sum which is clearly owed to it and, by reason of the aforesaid, should be granted pre-judgment interest from 9th April, 1997 at the rate of 7³/₈% per annum or at such other maximum rate as may be fixed from time to time.

AND THE PLAINTIFF CLAIMS FROM THE DEFENDANT:

- (a) PAYMENT of the sum of US\$2,407,121.54.
- (b) PRE-JUDGMENT INTEREST at the rate of 7³/₈% per annum or at such other maximum rate as may be fixed from time to time.
- (c) POST-JUDGMENT INTEREST at the rate of 7³/₈% per annum or at such other rate as may be fixed from time to time until payment and satisfaction of the sums claimed herein.
- (d) FURTHER and/or other relief.
- (e) ITS COSTS of the action.

Dated the 27th day of January, 1998


Truman Bodden & Company
Attorneys-at-law for the plaintiff

To: The Clerk of the Court

And to: the defendant

INDORSEMENT AS TO A CLAIM FOR A DEBT

The amount claimed in respect of the judgment debt is US\$2,407,121.54. The plaintiff also claims a sum of US\$142,020.04 as pre-judgment interest until the issue of the writ and fixed costs in the amount of CI\$5,784.60 (US\$7,054.39). Further proceedings will be stayed if, within the time limited for acknowledging service, the defendant pays all such amounts to the plaintiff or to its attorneys-at-law.

INDORSEMENT AS TO INTEREST

- (i) The prescribed rate of interest is 7 $\frac{3}{8}$ % per annum.
- (ii) The date from which the interest is calculated is 9th April 1997.
- (iii) The total amount of interest claimed as at the date of the issue of the writ of summons is US\$142,020.04.
- (iv) The amount of interest accruing each day thereafter is US\$486.73.

THIS WRIT was issued by Messrs. Truman Bodden & Company, Attorneys-at-Law for the Plaintiff herein whose address for service is PO Box 866, Anderson Square Building, George Town, Grand Cayman, BWI

**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, P.O. Box 495G, George Town, Grand Cayman.

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 over 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 named 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

CAUSE NO: 78 OF 1996

BETWEEN: KANEMATSU (HONG KONG) LIMITED

PLAINTIFF

AND: EURASIA EXPRESS LINE LIMITED

DEFENDANT

**ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING 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 of Summons is being acknowledged.

2. State whether the Defendant intends to contest or otherwise participate in 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

Service of the Writ of Summons is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for Service:

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 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.

Truman Bodden & Company
PO Box 866
George Town
Ref: PSB

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]