

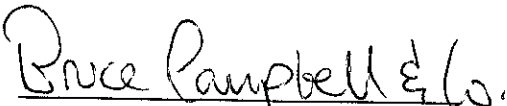
STATEMENT OF CLAIM

1. The Plaintiff is a bank carrying on business at its branch at P.O. Box 914, George Town, Grand Cayman.
2. The Defendant is an individual and was formerly a customer of the Plaintiff. The Defendant held a Savings Account No. 1091000 and a One Month Fixed Deposit Account No. 5002987 with the Plaintiff.
3. By a letter dated 19th August 1997 the Defendant instructed the Plaintiff to transfer by wire transfer the entire balance on his accounts with the Plaintiff to Union Bank of Switzerland (“UBS”), P.O. Box CH-8021, Zurich, Switzerland, Code UBSWCHZH80A, Account No. 508.349.
4. Acting upon the Defendant’s instructions, on or around 26th August 1997, the Plaintiff sent an instruction to its correspondent bank, Nations Bank in Miami, instructing it to debit the Plaintiff’s account with it and to transfer the sum of US\$24,654.54 to the Defendant’s account at UBS. However, owing to a mistake made by a member of staff of the Plaintiff the amount to be transferred had been incorrectly calculated. Accordingly, later on 26th August 1997 the Plaintiff sent a further instruction to Nations Bank in Miami to cancel the initial instruction and thereafter the Plaintiff sent a further instruction to Nations Bank in Miami to wire transfer the sum of US\$24,567.90 to the Defendant’s account at UBS being the correct amount to be transferred.
5. Despite the sending of the telex instructing Nations Bank in Miami to cancel the first instruction the Plaintiff’s account at Nations Bank in Miami was debited in respect of both the first and second instruction and the Defendant’s account at UBS was credited with the amount of both the first and second instruction. The Defendant has therefore been unjustly enriched to the extent of US\$24,654.54 being the amount of the first instruction as a result of the Plaintiff’s mistake of fact.

6. Despite demand the Defendant has refused to take any steps to return the said sum of US\$24,654.54 to the Plaintiff.

AND THE PLAINTIFF CLAIMS:

1. A declaration that the Defendant holds the said sum of US\$24,654.54 or any assets representing or derived from it on constructive trust for the Plaintiff.
2. A declaration that in respect of the said sum of US\$24,654.54 the Plaintiff is entitled to trace such money and/or the proceeds thereof and/or any assets which have been derived from it into the hands of the Defendant.
3. Such further tracing and/or proprietary remedies and/or other equitable relief against the Defendant as shall to the Court seem just.
4. Payment of the sum of US\$24,654.54.
5. Interest on the sum of US\$24,654.54 pursuant to Section 34 of the Judicature Law and the Judgment Debts (Rates of Interest) Rules 1998 at the rate of 7.7/8% per annum from the date hereof at the rate of US\$5.32 per day.
6. All such further accounts, enquiries, orders, declarations, relief and directions as may to the Court seem just and appropriate.
7. Costs.


BRUCE CAMPBELL & CO
Attorneys-at-Law
for the Plaintiff

THIS WRIT OF SUMMONS was issued by Bruce Campbell & Co., Attorneys-at-Law for the Plaintiff British American Bank Ltd whose address for service is 4th floor, Bank of Nova Scotia Building, George Town, Grand Cayman (J. Ross McDonough)