

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.

INDORSEMENT OF CLAIM

A The Plaintiff claims against the First Defendant as follows:

1. Damages for the wrongful conversion on or about 8th July 1998 of the sum of US\$396,000.00 belonging to the Plaintiff and/or payment of such sum of monies had and received by the First Defendant for the Plaintiff's use.


B The Plaintiff claims against both Defendants as follows:

1. Declaration(s) that the sum of US\$396,000.00 (and interest) standing to the credit of The First Defendant in account with or by the Second Defendant and held by the Second Defendant are held by the Second Defendant upon constructive trust for the benefit of the Plaintiff absolutely.
2. Injunctions (a) restraining the First Defendant (whether by themselves, their servants or agents or otherwise howsoever) from causing or permitting or being in any way party to the transfer, removal, assignment, charging, diminution in value or disposal of any funds or assets referred to in paragraph (1) above and (b) restraining the Second Defendant (whether by themselves, their directors, officers, agents or otherwise howsoever) from causing or permitting any such dealing as referred to in (a) above.
3. Order(s) that each of these Defendants do disclose to the Plaintiff the sums or balance at present standing to the credit of any account(s) at the Second Defendant in the name of the First Defendant.

C As against both Defendants:-

1. All such enquiries and accounts as shall be necessary to trace the proceeds of the First Defendant's wrongful conversions of the Plaintiff's monies and/or of their frauds upon the Plaintiff.

2. Orders for payment and transfer to the Plaintiff of all monies and assets declared to belong to the Plaintiff, whether in law or in equity.
3. Interest pursuant to statute and/or the rules of equity all such sums as the Plaintiff shall recover, at such rate(s) and for such period(s) as the Court may determine.
4. Further or other relief.
5. And as against the First Defendant costs.



QUIN & HAMPSON
Attorneys-at-Law for the Plaintiff

THIS WRIT OF SUMMONS was issued by Quin & Hampson, Attorneys-at-Law for and on behalf of the Plaintiff herein, whose address for service is Harbour Centre, Third Floor, P.O. Box 1348, George Town, Grand Cayman, B.W.I.

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.

Quin & Hampson
Attorneys-at-Law
Harbour Centre, Third Floor
P.O. Box 1348
George Town,
GRAND CAYMAN

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]

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 installments or otherwise.

See over 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 his 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.

If you, the within named First and Second Defendants neglect to obey this Order by the time stated, you may be liable to be held in contempt of Court.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 1998

BETWEEN: UBS (BAHAMAS) LTD. Plaintiff

AND: (1) WEYBRIDGE PROPERTIES LTD.
(2) BARCLAYS BANK PLC Defendants

**INJUNCTION PROHIBITING DISPOSAL OF ASSETS
IN THE CAYMAN ISLANDS AND DISCLOSURE ORDERS**

IMPORTANT NOTICE TO THE DEFENDANTS

- (1) This Order prohibits you from dealing with your assets up to the amount stated. The Order is subject to any exceptions in the Order. You should read it carefully. You are advised to consult an attorney as soon as possible. You have a right to ask the Court to vary or discharge this Order.
- (2) If you disobey this Order you will be guilty of contempt of Court and fined or your assets may be seized.

THE ORDER

An application was made on the August 1998 by Counsel for UBS (Bahamas) Ltd., the Plaintiff, to Mr. Justice . Upon hearing Counsel for the Plaintiff, Mr. Justice heard the application and read the Affidavit listed in Schedule 2 at the end of this Order.

As a result of the application IT IS ORDERED by the Honourable Mr. Justice as follows:

1. **Disposal of assets**

The First Defendant must not, without the written consent of the Plaintiff's Attorneys, remove from the jurisdiction of the Cayman Islands or in any way dispose of or deal with or diminish the value of any of its assets (of whatsoever nature) which are within or controlled from within the Cayman Islands, whether in its own name or not and whether solely or jointly owned, up to the aggregate value of US\$396,000.00, nor suffer or permit the disposal of, dealing with, or diminution in value of any of these assets being the proceeds of US\$396,000.00 transferred on or about 8th July 1998 from the Plaintiff to the First Defendant's account (Account No. 7103211) with the Second Defendant or any monies or assets that are part of or represent the said US\$396,000.00 or any interest thereon as of the date of this Order (whether the same be held directly or indirectly from any company, trust, partnership or other entity), or causing any such removal, disposal, transfer, charge, diminution or dealing with the said monies.

2. **Disclosure of information**

(1) The First and Second Defendants must inform the Plaintiff's Attorneys in writing the following details in relation to the transfer on or about 8th July 1998 from the Plaintiff to Account Number 7103211 in the name of the First Defendant held with the Second Defendant:

- (i) the identity of any individual or entity who gave the instructions to transfer the funds into account number 7103211 giving his/her/its full name and address;
- (ii) the identity of each payee giving his/her/its full name and address;

- (iii) the identity of anyone else who to the Second Defendant's knowledge was involved in each payment and/or the wrongdoing and the nature of such involvement;
- (iv) the date on which such instructions were given and/or received and/or acted on;
- (v) the method of transmission of any such instructions;
- (vi) the contents of the instructions given;
- (vii) the name and address of any other person or other entity who the First Defendant reasonably believes has or may have any information concerning the said transfers;
- (viii) full details of any other transfer of funds from the Plaintiff to any account of the First Defendant held with the Second Defendant.

3. Any application by the Second Defendant pursuant to Section 4(1) of The Confidential Relationships (Preservation) Law (1995 Revision) shall be heard as soon as reasonably possible after service upon it of this Order.

4. **Preservation of documents and records**

The Second Defendant must preserve all documents and records which they are required to disclose pursuant to paragraph 2 of this Order until further Order of this Court or unless the Plaintiff's Attorneys agree otherwise in writing.

5. That the file in relation to this matter be deemed a closed file to be kept in a safe place in the office of the Clerk of the Grand Court until further Order.

6. **Effect of this Order**

- (1) A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
- (2) A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

7. **Third Parties**

- (1) **Effect of this Order** - It is a contempt of Court for any person notified of this Order knowingly to assist in or permit a breach of the Order. Any person doing so may be sent to prison, fined, or have his assets seized.

UNDERTAKINGS

The Plaintiff gives to the Court the undertakings set out in Schedule 1 to this Order.

DURATION OF THIS ORDER

This Order will remain in force until after Judgment in this action, unless before then it is varied or discharged by further Order of the Court.

VARIATION OR DISCHARGE OF THIS ORDER

The Defendants (or anyone notified of and affected by this Order) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but anyone wishing to do so must first inform the Plaintiff's Attorneys in writing on not less than 72 hours notice.

NAME AND ADDRESS OF PLAINTIFF'S ATTORNEYS

The Plaintiff's Attorneys are:

Quin & Hampson, Harbour Chambers, Third Floor, Harbour Centre, P.O. Box 1348, George Town, Cayman Islands, B.W.I.

Telephone 345 949 4123 Facsimile 345 949 4647

INTERPRETATION OF THIS ORDER

- (1) In this Order "he", "him" or "his" include "she", "her" or "hers" and "it" or "its".
- (2) Where there are two or more Defendants then (unless the context indicates differently):-
 - (a) References to "the Defendants" mean some or all of them.
 - (b) An Order requiring "the Defendants" to do or not to do anything requires each Defendant to do or not to do it.
 - (c) A requirement relating to service of this Order, or of any legal proceedings, on "the Defendants" means on each of them.

COSTS

The costs of the application for this Order are reserved. The question of who should pay them has not yet been decided.

DATED this day of August, 1998

FILED this day of August, 1998

The Honourable Mr. Justice

This Order is filed by Quin & Hampson, Attorneys-at-Law, for and on behalf of the Plaintiff herein, whose address for service is that of its said Attorneys-at-Law, Harbour Centre, Third Floor, P.O. Box 1348, George Town, Grand Cayman, B.W.I.

SCHEDULE 1
UNDERTAKINGS GIVEN TO THE COURT
BY THE PLAINTIFF

1. If the Court later finds that this Order has caused loss to the Defendants, and decides that the Defendants should be compensated for that loss, the Plaintiff will comply with any Order the Court may make.

2. As soon as practicable after the Second Defendant has complied with its disclosure obligations under this Order, the Plaintiff will issue a Writ of Summons substantially in the form of that produced to the Court on and, as soon thereafter as is practicable, serve it on the First and Second Defendants together with this Order and copies of the Affidavits and exhibits containing the evidence relied upon by the Plaintiff.

3. Anyone notified of this Order will be given a copy of it by the Plaintiff's Attorneys.

4. The Plaintiff will pay the reasonable costs of anyone other than the First and Second Defendants which have been incurred as a result of this Order, including the costs of ascertaining whether that person holds any of such Defendant's assets, and if the Court later finds that this Order has caused such a person loss, and decides that the person should be compensated for that loss, the Plaintiff will comply with any Order the Court may make.

5. Not without the leave of the Court to use any information obtained pursuant to the execution of this Order except for the purposes of these proceedings or for the purpose of proceedings taken or to be taken abroad in respect of any of the claims identified in the proposed Writ of Summons herein or disclosed in the Affidavits listed in Schedule 3 at the end of this Order, or in respect of assets which may be made available for the purpose of satisfying any judgment which may be obtained by the Plaintiff against the First and Second Defendants in any jurisdiction or in connection with any other rights or claims which the Plaintiff may have against the First and Second Defendants.

SCHEDULE 2

AFFIDAVIT

The Honourable Mr. Justice

read the following Affidavit before making this Order:

Charles G. Quin