

IN THE GRAND COURT OF THE CAYMAN ISLANDS

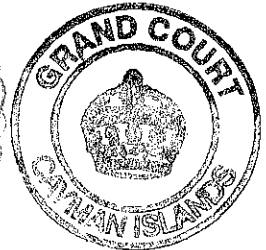
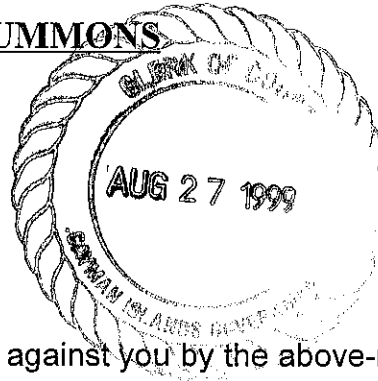
CAUSE NO. 507 OF 1999

BETWEEN: (1) MJD SERVICE CORP.  
(2) J. K. PUBLICATIONS, INC.  
(3) DISCREET BILL INC. PLAINTIFFS

AND: BARCLAYS BANK PLC DEFENDANT

WRIT OF SUMMONS

TO: BARCLAYS BANK PLC  
P.O. Box 68G,  
George Town,  
Grand Cayman



**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiffs in respect of the claims 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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 27<sup>th</sup> day of August, 1999.

**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 the order of the Court.

IMPORTANT

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

## INDORSEMENT

The Plaintiffs' claim for relief against the Defendant arises out of and/or is connected with the receipt by the Defendant of certain funds which were transferred from account number 33174 held in favour of Media Buying Service, Ltd. at Euro Bank Corporation to account number 273-0315 at the Defendant Bank in favour of Ken Taves, for the benefit of Media Buying Services, Ltd. and which funds are derived from transfers made from the 1<sup>st</sup> and 2<sup>nd</sup> Plaintiffs' separate accounts at U.S. Bank, Las Vegas, NV 89102 and from the 3<sup>rd</sup> Plaintiff's account at Bank of America, Las Vegas, NV 89193-8600, U.S.A..

**AND THE PLAINTIFFS CLAIM** against the Defendant:

- (1) A declaration that in respect of the Plaintiffs' monies paid to the Defendant :
  - (i) the Plaintiffs are entitled to trace such monies and/or the proceeds thereof and/or any assets upon which the said sums or any part thereof have been expended;
  - (ii) such sum and/or the proceeds thereof and/or any assets upon which the said sums or any part thereof have been expended are in equity the property of the Plaintiffs.
  - (iii) such sum and/or the proceeds thereof and/or any assets upon which the said sums, or any part thereof, have been expended, are held by the Defendant on trust for the Plaintiffs.
- (2) Such tracing and/or discovery and/or injunctive and/or other equitable or other relief as this Honourable Court deems just.

- (3) Interest on all sums found due to the Plaintiffs pursuant to Section 34 of the Judicature Law (1995 Revision) and the rules made thereunder at such rate and for such period as this Honourable Court thinks just and/or in equity.
- (4) Costs.



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**Charles Adams, Ritchie & Duckworth**  
**Attorneys-at-Law for the Plaintiffs**

**THIS WRIT was issued by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law, for and on behalf of the Plaintiffs herein, whose address for service is that of their said Attorneys-at-Law, P.O. Box 709G, Zephyr House, Mary Street, George Town, Grand Cayman, B.W.I.**

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AND: BARCLAYS BANK PLC DEFENDANT

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 directions and notes for 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

[Defendant in person]

Address for service:

**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.

Charles Adams, Ritchie & Duckworth  
Attorneys-at-Law  
2<sup>nd</sup> Floor, Zephyr House  
George Town, Grand Cayman, B.W.I.  
Attn: G.F. Ritchie – Our Ref: 143/300 GFR

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]

**Acknowledgment of service of writ of summons (O.12, r.3)**

**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 for notice 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.