

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 769 OF 1999

BETWEEN: (1) RC INTERNATIONAL
(2) ADVANCED PHYSICIANS PRODUCTS, INC.
(3) KENNETH J. FRANK Plaintiffs

AND: (1) MARTIN J. BROOKS
(2) JEANETTE L. BROOKS
(aka Jeanette Smith Brooks)
(3) TALADRO S.A.
(4) GRUPO KOREC S.A.
(5) BANK OF BUTTERFIELD INTERNATIONAL
(CAYMAN) LTD.
(6) EURO BANK CORPORATION (In voluntary liquidation) Defendants

WRIT OF SUMMONS

To: **Martin J. Brooks**
Jeanette L. Brooks
3, Forest Park
Bragg Creek
Alberta, Canada

Taladro S.A.
Punta Paitilla
55 Street
Panama City, Panama

Grupo Korec S.A.
50 Street
Elvira Mendez
Anacris Building, First Floor
Panama City, Panama



Bank of Butterfield International (Cayman) Ltd.
P.O. Box 705 GT
Grand Cayman, B.W.I.

Euro Bank Corporation
Deloitte & Touche
2nd Floor, One Capital Place
Shedden Road, George Town
Grand Cayman, B.W.I.

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs, RC International of 3499 Paradise Drive, Tiburon, CA 94920, U.S.A., Advanced Physicians Products, Inc. and Kenneth J. Frank both of 831 State Street, Suite 280, Santa Barbara, CA 93101, U.S.A. in respect of the claims set out on the next page.

Within fourteen (14) days in the case of the Fifth and Sixth Defendants and [] days in the case of the First to Fourth Defendants inclusive 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 495, 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 8th day of December, 1999.

NOTE - This Writ may not be served later than four (4) calendar 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

The Plaintiffs claim:

- (1) Judgment against the First and Second Defendants jointly and severally in the sum of US\$30,000.00 (being part of the amount of a judgment ("the Nevada Judgment")) entered against, *inter alia*, the First and Second Defendants in the United States District Court, District of Nevada, Case No. CV - N- 91-375 ECR;
- (2) Interest on the Nevada Judgment at the rate referred to therein;
- (3) A declaration that the amount standing to the credit of the Third Defendant at the Fifth Defendant, account number 01201 031560, is held to the order of, or upon trust for, the First and/or Second Defendants;
- (4) A declaration that the amount standing to the credit of the Fourth Defendant at the Sixth Defendant, account number 31826-88, is held to the order of, or upon trust for, the First and/or Second Defendants;
- (5) Further or other relief;
- (6) Costs.



QUIN & HAMPSON
Attorneys-at-Law for the Plaintiffs

THIS WRIT OF SUMMONS was issued by Quin & Hampson, Attorneys-at-Law for the Plaintiffs whose address for service is Third Floor, Harbour Centre, P.O. Box 1348 GT, Grand Cayman, Cayman Islands, B.W.I.

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.

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(5) BANK OF BUTTERFIELD INTERNATIONAL (CAYMAN) LTD.
(6) EURO BANK CORPORATION (In voluntary liquidation) Defendants

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.

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

2. State whether the Defendant intends to contest 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 Plaintiffs (tick box).
[] yes

Service of the Writ 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 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]