

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 416 OF 2000

BETWEEN: BANCO do BRASIL S.A.



PLAINTIFF

AND: CINDAM TRADING COMPANY

DEFENDANT

WRIT OF SUMMONS

To: CINDAM TRADING COMPANY  
The Huntlaw Building  
P.O. Box 1350  
George Town  
GRAND CAYMAN



**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 Fourteen days [14] 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 19 day of MAY, 2000.

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 incorporated under the laws of Brazil and carries on business at rue Lelio Gama, 105 8<sup>th</sup> Floor, Centro, Rio de Janeiro, Brazil.
2. The Defendant is a company incorporated under the Companies Law of the Cayman Islands with its registered office at The Huntlaw Building, P.O. Box 1350, George Town, Grand Cayman.
3. Between May 1999 and July, 1999 Cindam S.A. Comercial Exportadora, ("Cindam S.A.") a company registered under the laws of Brazil with its office of business at Avenida Presidente Wilson nr. 231, 17<sup>th</sup> Floor, Rio de Janeiro, Brazil sold and delivered to the Defendant several items of jewellery with a total value of US\$1,150,000.00.

### PARTICULARS OF GOODS SOLD AND DELIVERED TO THE DEFENDANT

2220 items of gold jewellery with diamonds and other precious stones shipped on board by Lufthansa Cargo from Rio de Janeiro to Geneva  
Airway Bill No.020-3093 3733 dated 11<sup>th</sup> May, 1999

Cut diamonds shipped on board by United Airlines from Rio de Janeiro to New York  
Airway Bill No. 016-6931 9423 dated 7<sup>th</sup> June, 1999

2240 items of silver jewellery with stones and resin, shipped on board by Lufthansa Cargo from Rio de Janeiro to Geneva  
Airway Bill no. 020-3426 2061 dated 6<sup>th</sup> July, 1999

Diamonds shipped on board by Lufthansa Cargo from Rio de Janeiro to Geneva  
Airway Bill No. 020-3425 2326 dateed 13<sup>th</sup> July, 1999.

4. By agreements made between the 25<sup>th</sup> May, 1999 and the 21<sup>st</sup> July, 1999 Cindam S.A. assigned the debt to the Plaintiff.

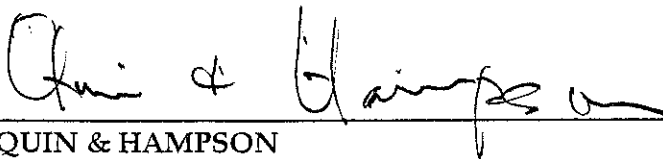
5. Despite demand made by Cindam S.A. and the Plaintiff the Defendant has failed or refused to pay the said sum of US\$1,150,000.00 or any part thereof.
6. The Plaintiff therefore claims against the Defendant the sum of US\$1,150,000.00 and interest on the sum US\$1,150,000.00 pursuant to section 34 of the Judicature Law (1995 Revision) at the rate of 8 per cent per annum from the date hereof to the date of judgment or sooner payment.

**AND THE PLAINTIFF CLAIMS**

- (1) The sum of US\$1,150,000.00.
- (2) Interest on the sum of US\$1,150,000.00 pursuant to section 34 of the Judicature Law (1995 Revision) at the rate of 8 per cent per annum from the date hereof to the date of judgment or sooner payment or at such other rate or for such other period as to the Court seems just.
- (3) Such further or other relief as to the Court seems just.
- (4) Costs.

If within the time for returning Acknowledgement of Service the Defendant pays to the Plaintiff's Attorneys-at-Law the total amount claimed of US\$1,150,000.00 together with interest and costs of US\$10,000.00 all further proceedings will be stayed.

Dated this 19 day of MAY 2000



QUIN & HAMPSON  
Attorneys-at-Law for the Plaintiff

To: The Clerk of the Court

And to: CINDAM TRADING COMPANY  
The Huntlaw Building  
P.O. Box 1350  
George Town  
GRAND CAYMAN

THIS WRIT was issued by Messrs. Quin & Hampson, Attorneys-at-Law for the Plaintiff whose address for service and correspondence is P.O. Box 1348, Third Floor, Harbour Centre, George Town, Grand Cayman, 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*

### 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.



### 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.*

Messrs. Quin & Hampson  
Attorneys-at-Law  
Third Floor, Harbour Centre  
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.*