

IN THE GRAND COURT OF THE CAYMAN ISLANDS

128
CAUSE NO. OF 1996

In the matter of the Evidence (Proceedings in Other Jurisdictions) (Cayman Islands) Order 1978

And in the matter of a civil or commercial proceeding now pending before the United States District Court for the District of Puerto Rico entitled as follows:

VIEQUES AIR LINK, INC.)	
Plaintiff)	
)	
v.)	CIVIL NO. 91-1233
)	
HEMISPHERIC INSURANCE CO. LTD. et al)	
Defendants)	

EX-PARTE ORIGINATING SUMMONS

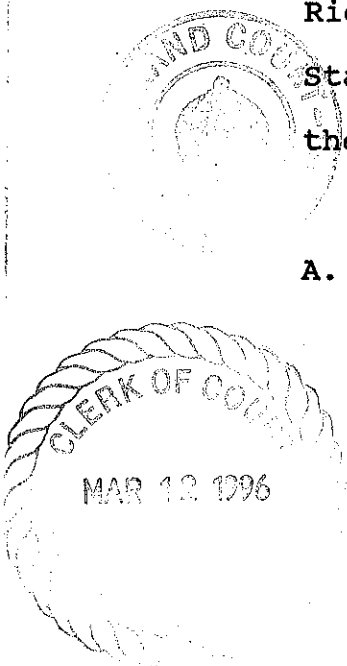
LET ALL PARTIES CONCERNED attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the day of *May 9*, 1996 at *9.30* o'clock in the *fore* noon, on the hearing of an application by Vieques Air Link, Inc. for the following orders:



1. THAT G. James Cleaver and the custodian of records of Barclays Bank plc, Grand Cayman branch, do attend before Huw Moses, Attorney-at-Law, of Hunter & Hunter, attorneys-at-law, the Huntlaw Building, Fort Street George Town, Grand Cayman, Cayman Islands, B.W.I., who is hereby appointed examiner herein, at the boardroom of the said firm of Hunter & Hunter, the said Huntlaw Building, third floor, on a date and time to be fixed by this Honorable Court or on such other day and time as the said examiner may appoint, and do there submit to be examined, touching the testimony required in the Request for International Judicial Assistance Pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence in Civil or Commercial Matters issued in proceedings pending between Vieques Air Link, Inc. and Hemispheric Insurance Co. Ltd., and Richard A. Dennis in Civil Cause No. 91-1233 in the United States District Court for the District of Puerto Rico and do then and there produce the following documents:

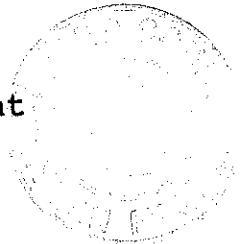
A. In the case of G. James Cleaver, all documents of Hemispheric Insurance Co. Ltd. ("Hemispheric") relating to:

(a) The insurance claim filed by Vieques Air Link, Inc. ("Vieques Air") for its losses sustained in September 1989 when Hurricane Hugo struck the Island of Puerto Rico, and covered by Policy No.



HA89/1123 issued by Hemispheric as insurer to Vieques Air as insured.

- (b) Hemispheric's failure to pay Vieques Air's claim for its losses.
- (c) Hemispheric's receipt of U.S. \$200,000.00 on or about 24th January 1990, from or through Bradstock, Barden & Watson Ltd. ("Bradstock") as reinsurance proceeds relating to Vieques Air's above claim and above losses.
- (d) Hemispheric's receipt of U.S. \$584,500.00 on or about 18th February 1990 from or through Bradstock as reinsurance proceeds relating to Vieques Air's above claim and above losses.
- (e) The statement in the Report of the Joint Liquidators of Hemispheric of 31st October 1993 ("the report") to the effect that Hemispheric paid U.S. \$2,925,123.00 to its shareholder, affiliates and directors for the two years to 31st December 1990.
- (f) The statement in the report to the effect that

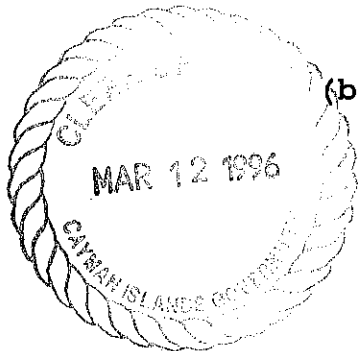


Hemispheric was owed U.S. \$2,746,921.00 by companies controlled by Richard A. Dennis.

- (g) The, statement in the report that Hemispheric was paid U.S. \$97,000.00 in January 1990 and U.S. \$424,521,00 in February, 1990 in respect of a reinsurance by Hemispheric on the underlying claim which gave rise to that reinsurance recovery.

B. In the case of the custodian of records of the Grand Cayman branch of Barclays Bank plc, all records and documents relating to:

- (a) The receipt from or through Bradstock of a wire transfer of U.S. \$200,000.00, on or about 24th January 1990, for the account of Hemispheric and the disposition of such funds.



- (b) The receipt from or through Bradstock of a wire transfer of U.S. \$584,500.00, on or about 18th February 1990, for the account of Hemispheric and the disposition of such funds.



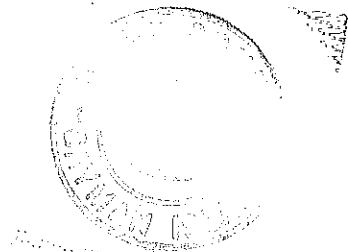
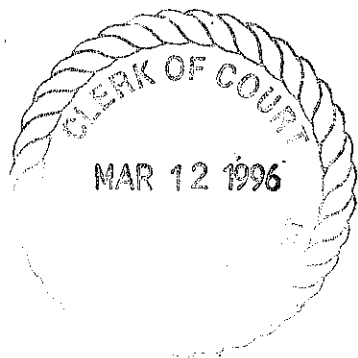
- (c) The receipt or deposit in a U.S. dollar account in the name of Hemispheric of a sum of U.S. \$97,000,00

in January 1990 and the disposition of such funds.

(d) The receipt or deposit in a U.S. dollar account in the name of Hemispheric of a sum of U.S. \$424,521.00 in February 1990 and the disposition of such funds.

(e) Monthly statements and copies of paid cheques and other debit items relating to the current U.S. dollar account or accounts kept with Barclays Bank, plc by Hemispheric for the year 1990.

2. THAT the said examiner do take down or cause to be taken down in writing the evidence of the said witnesses according to the rules and practice of the Grand Court pertaining to the examination and cross-examination of witnesses and do request each and every witness to sign his or her deposition in the said examiner's presence and do sign the depositions taken in pursuance of the order sought herein, and when so completed, do send them together with the order sought herein and the said Request, to the Clerk of the Court for transmission to the United States District Court for the District of Puerto Rico.



3. THAT each of the said witnesses do, if so advised, apply to the Grand Court pursuant to sec. 4 of the Confidential Relationships (Preservation) Law (1995 revision) for directions as to the manner of giving their evidence and as to the production and inspection of the documents listed in paragraph 1 hereof within seven (7) days from the service upon each of them of the order sought herein.
4. FOR further and/or other orders.
5. THAT the costs of this application be in the cause.

Dated this 8th day of March 1996.

Ian Boxall & Co

Ian Boxall & Co
Attorneys-at-Law for Vieques Air Link, Inc.



TIME-ESTIMATE. The estimated length of the hearing of this summons is one half hour.

TO: The Clerk of the Court



This EX-PARTE ORIGINATING SUMMONS was issued by Ian Boxall & Co, the attorneys-at-law for Vieques Air Link, Inc., who address for service is CIBC Financial Centre, P.O. Box 1234, George Town, Grand Cayman, Cayman Islands, BWI.