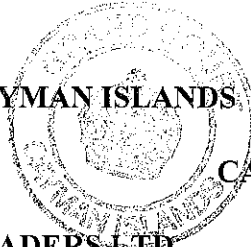


IN THE GRAND COURT OF THE CAYMAN ISLANDS



634

CAUSE NO: OF 2001

BETWEEN:

PML TRADERS LTD.

Plaintiff

-and-

CAYMARL LTD.

Defendant

WRIT OF SUMMONS



TO: CAYMARL LTD.  
In care of its registered office at  
Charles Adams, Ritchie & Duckworth  
Attorneys-at-Law  
P.O. 709 GT  
Grand Cayman, Cayman Islands



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 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 Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice

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

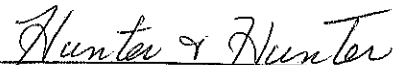
1. The Plaintiff is a company incorporated pursuant to the laws of Ontario Canada and has its registered head office at P.O. Box 1017, 600 Gormanville Road, Unit J, North Bay, Ontario, Canada. It is an international construction and industrial equipment broker.
2. The Defendant is a corporation incorporated pursuant to the laws of the Cayman Islands and has its registered office in care of Charles Adams, Ritchie & Duckworth, Attorneys-at-Law, P.O. Box 709 GT, Grand Cayman, Cayman Islands. It carries on business as a supplier of excavation and dredging services, among other things, in the Cayman Islands.
3. The Plaintiff and the Defendant had a business relationship dating to in or about September of 1996. During this time the Plaintiff would, from time to time, supply to the Defendant, certain excavation related items. The orders were most often made by a principal of the Defendant, Jay Bodden, to a principal of the Plaintiff, Paul Lechlitner. Accordingly, Paul Lechlitner developed a high degree of trust in the Defendant through its principal, Jay Bodden.
4. Orders were on occasion made verbally by Jay Bodden to held himself out as being able to conduct such transactions on the behalf of the company. This authority was consistent with the practice of payment being made by the Defendant for orders made verbally by Jay Bodden.
5. In reliance upon the relationship that developed, the Plaintiff determined that advance payment of goods to be shipped to the Defendant would not be required as would have been the normal practice of the Plaintiff for shipments outside the jurisdiction of Ontario.
6. From time to time certain items were ordered by the Defendant to the Plaintiff the dates and details of which are as set out below:

DATE	INVOICE NO.	ITEM	AMOUNT
September 17, 1996	Verbal	Rock Hammer and Pipe Order	\$14,000.00
December 27, 1997	Verbal	Pipe Order from Abbeville	\$97,940.00
February 3, 1997	020397C	Boat Parts	\$684.82
February 10, 1997	021197C	Dredge Hose	\$11,176.08

**AND THE PLAINTIFF claims:**

- A. Principal sum of \$60,390.15;
- B. Prejudgment and post judgment interest at the rate of 2% per month as claimed in paragraphs 8 and 11 of the Statement of Claim;
- C. Alternatively, prejudgment and post judgement interest at the rate as set pursuant to the Judicature Law (1995 Revision);
- D. Costs as determined by this Honourable Court;
- E. Such further and other relief as may be determined.

Dated: October 5, 2001

  
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 Hunter & Hunter  
 Attorneys at Law for the Plaintiff

**INDORSEMENT REGARDING CURRENCY**

This claim is for sums determined in the currency of the United States of America

**INDORSEMENT**

The amount claimed in respect of the debt or demand is US\$60,390.15 as principal and US\$57,974.40 as interest until the issue of the writ of summons for a total amount of US\$118,364.55. The costs of issuing the writ of summons is CI\$573.28 (CI\$150 + US\$503.90 or CI\$423.28 ad valorem)

**STATEMENT REGARDING INTEREST**

- i. The rate of interest claimed for the first note is from August 18 1997 to the present calculated at the rate of 2 % per month as claimed in paragraph 8 and 11 of the Statement of Claim;
- ii. Alternatively, the claim for interest is in accordance with the rate as determined pursuant to the Judicature Law (1995);
- iii. The total interest claimed pursuant to paragraphs 2 and 3 of the statement of claim as of the date of the issue of the writ of summons is US\$57,974.40;
- iv. The amount of interest accruing each day following the issue of the writ is US\$38.93.

This Writ of Summons was issued by Hunter & Hunter whose address for service is Hunter & Hunter, Attorney-at-Law, P.O. Box 190, 75 Fort Street, George Town, Grand Cayman, Cayman Islands, British West Indies, Attorneys for the Plaintiff.

### 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 communication 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.

Hunter & Hunter Attorneys-at-Law 75 Fort Street P.O. Box 190 George Town Grand Cayman  Ref: WAS/08942.001 Attention: Ward Sykes
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**Indorsement by defendant's Attorney (or by defendant if suing in person)** of his name, address and reference, if any, in the box below.

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