

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO 313 OF 1996

BETWEEN: (1) PARVUS COMPANY LTD. PLAINTIFF

AND: (1) TERESA FERNANDEZ  
(2) WHARTON INVESTMENTS INC.  
(3) MORGAN TRUST COMPANY OF THE  
CAYMAN ISLANDS LTD.  
(4) CIBC BANK & TRUST COMPANY (CAYMAN)  
LIMITED DEFENDANTS

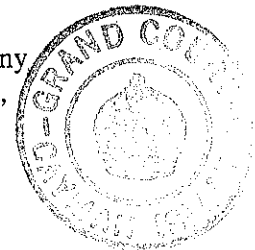
WRIT OF SUMMONS

TO: (1) Teresa Fernandez  
who resides at and has a place of business at  
131 Deerfield Drive, Tenafly, New Jersey  
07670, United States of America

(2) Wharton Investments Inc.  
having a place of business at  
131 Deerfield Drive, Tenafly, New Jersey  
07670, United States of America

(3) Morgan Trust Company of the Cayman Islands Ltd.  
whose registered office is c/o CIBC Bank & Trust Company  
(Cayman) Limited, P.O. Boxes 694 & 695, Edward Street,  
George Town, Grand Cayman

(4) CIBC Bank & Trust Company (Cayman) Limited  
P.O. Boxes 694 & 695, Edward Street,  
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 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 495 GT, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

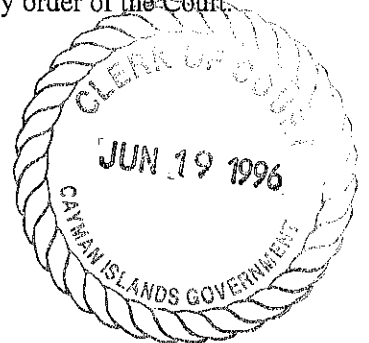
If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this            day of June, 1996

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.



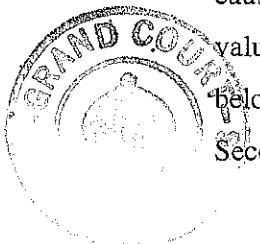
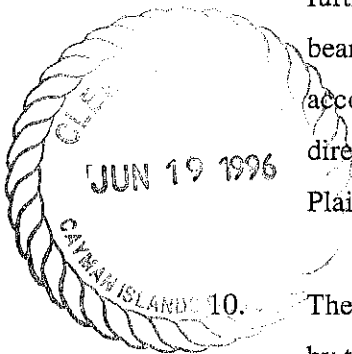
THE PLAINTIFF claims:-

As against the First and/or Second Defendants the sum of US\$23,000,000.00 together with interest or such other sum as the Court may determine, being money had and received by them to the use of the Plaintiff.

2. Alternatively, as against the First and/or Second Defendants, damages for wrongful conversion of funds belonging to the Plaintiff.
3. Alternatively, as against the First and/or Second Defendants, damages for breach of fiduciary duty.
4. A declaration that the Plaintiff is entitled to trace in equity and recover the sum of US\$23,000,000.00 together with interest transferred directly or indirectly to the First and Second Defendants or either of them by or upon the instructions of the First and/or Second Defendants.



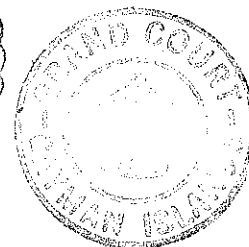
5. A declaration that the Plaintiff is entitled to trace at common law and recover the sum of US\$23,000,000.00 together with interest transferred directly or indirectly to the First and Second Defendants or either of them by or upon the instructions of the First and/or Second Defendants.
6. A declaration that the Third Defendant holds the sum of US\$23,000,000.00 together with interest or such other sum as the Court may determine upon a constructive trust for the benefit of the Plaintiff.
7. All necessary accounts and enquiries to enable the Plaintiff to trace and recover the funds referred to in paragraphs 1 to 6 above.
8. An order for delivery up or transfer to the Plaintiff of the funds referred to in paragraphs 1 to 6 above.
9. The Plaintiff claims against all four Defendants an Order that they be restrained whether by themselves, their directors or other officers or agents or otherwise howsoever until judgment or further order, from making any payment or transfer out of an account with the Fourth Defendant bearing the reference no. 4057, c/o Morgan Trust Company of the Cayman Islands as Trustee ("the account") or out of any account in relation in which the First and/or Second Defendants have any direct or indirect interest or control or otherwise dealing with such accounts save for payment to the Plaintiff of any sum found due to them or otherwise pursuant to the Order of the Court.
10. The Plaintiff claims against the First and Second Defendants an order that they be restrained whether by themselves, their servants or agents or otherwise howsoever until judgment or further order from causing or being in any way party to the transfer, removal, assignment, charging, diminishing in value or disposal of any other assets whatsoever located within the jurisdiction of this Court and belonging to the First and Second Defendants whether the same be held in the name of the First and Second Defendants or on their behalf by any trustee, nominee or agent.
11. An order that all four Defendants do disclose to the Plaintiff forthwith and permit the Plaintiff to take copies of the following documents:-





- (a) All correspondence passing between the Defendants in relation to the account;
  - (b) All statements, advice notes, paid cheques, debit and credit vouchers, transfer applications, orders, instructions, internal memoranda, correspondence and any other relevant documents relating to the operation of the account and any account in relation to which the First and Second Defendants have any direct or indirect interest or control.
12. An order that the First and Second Defendants do disclose to the Plaintiff forthwith details of all their assets situated in the Cayman Islands whether directly, indirectly or jointly owned by the First and/or Second Defendants, giving the value, location and details of all such assets and that the First and Second Defendants do swear and file an affidavit listing any such assets within 21 days of the date upon which this order is served on them.
13. All necessary enquiries as to damages.
14. Further and/or other relief.
15. Interest.
16. Costs.

DATED this 19<sup>th</sup> day of June, 1996



*W.S. Walker & Co*

W.S. WALKER & COMPANY  
Attorneys-at-Law for the Plaintiff

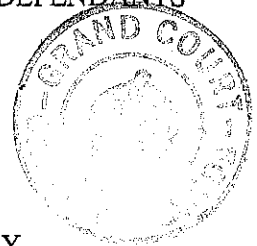
THIS WRIT was issued by W.S. Walker & Company, Attorneys-at-law for the Plaintiff whose address for service is Caledonian House, P.O. Box 265, Mary Street, George Town, Grand Cayman, Cayman Islands.



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AND: (1) TERESA FERNANDEZ
(2) WHARTON INVESTMENTS INC.
(3) MORGAN TRUST COMPANY OF THE CAYMAN ISLANDS LTD.
(4) CIBC BANK & TRUST COMPANY (CAYMAN) LIMITED

DEFENDANTS



ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Table with 2 columns: 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 where appropriate)
3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceeding, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (tick where appropriate)

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 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 principal office.

Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the space below.

Diarmad M. Murray  
W.S. Walker & Company  
P.O. Box 265  
Caledonian House  
Mary Street  
Grand Cayman  
Ref: DMM/G112-12043

Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the space below.

