

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 347 OF 1996

BETWEEN: PHOENIX INTERNATIONAL FINANCE  
LIMITED (IN LIQUIDATION) Plaintiff

AND: (1) RICHARD D. FEAR  
(2) NIGEL C. BRADLEY  
(3) JAMES M. LINDSAY  
(4) JACQUELINE H. FARRINGTON  
(5) NIGEL M. WALKER  
(6) RAYMOND P. APSEY  
(7) JAMES C. PARSONS Defendants

WRIT OF SUMMONS

To: (1) RICHARD D. FEAR  
Little Savannah, Newlands, Grand Cayman

(2) NIGEL C. BRADLEY  
c/o Morgan Grenfell (CI) Limited  
P.O. Box 727, 12 Dumaresq Street  
St. Helier, Jersey JE4 82B

(3) JAMES M. LINDSAY  
101 Barnton Park Avenue  
Edinburgh, Scotland

(4) JACQUELINE H. FARRINGTON  
Parkway Drive, George Town, Grand Cayman

(5) NIGEL M. WALKER  
c/o Morgan Grenfell  
23 Great Winchester Street  
London EC2P 2AX



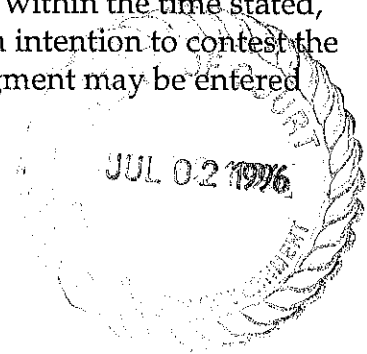
- (6) **RAYMOND P. APSEY**  
9 Elizabeth Avenue  
La Route Orange, St. Brelade, Jersey JE3 8GR
- (7) **JAMES C. PARSONS**  
Water Course Road, Boatswain Bay, Grand Cayman

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 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.

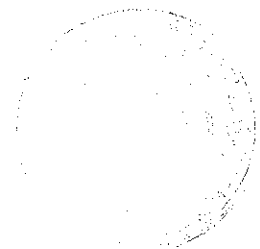
Issued this 2<sup>nd</sup> day of July, 1996



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.

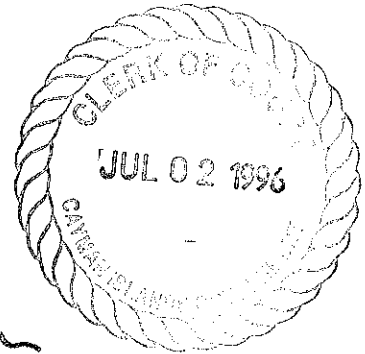
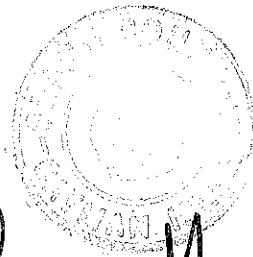



Indorsement

The Plaintiff's claim against the Defendants is for:

1. Damages for loss and damage sustained by the Plaintiff by reason of the negligence and/or breaches of duty and/or fiduciary duty of the Defendants and/or one or more of them as directors of the Plaintiff in and about the business, management, administration, accounting and other affairs of the Plaintiff within the period from 7th June 1988 to 12th October 1993.
2. Such further and other relief as this Honourable Court deems appropriate.
3. Pre-judgment interest and interest from the date of judgment until settlement pursuant to Section 34 of the Judicature Law (11 of 1975) (1995 Revision).
4. Costs.

DATED this 2nd day of July, 1996



  
QUIN & HAMPSON  
Attorneys-at-Law

This Writ of Summons is issued by Quin & Hampson, Attorneys-at-Law for and on behalf of the Applicant, whose address for service is Harbour Centre, Third Floor, P.O. Box 1348, George Town, Grand Cayman, Cayman Islands.

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.

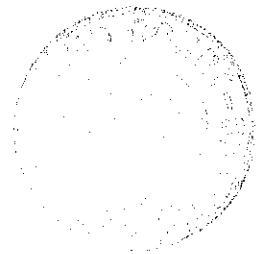
3. A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to 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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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 Plaintiff (*tick box*).

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yes

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Service of the Writ is acknowledged accordingly

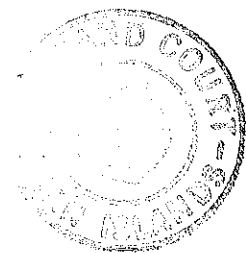
(Signed) .....

[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.*

