

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 357 OF 2003

BETWEEN: MOLLY LORI YOUNG Plaintiff

AND: JOSEPH LAUZON Defendant

**WRIT OF SUMMONS**

TO: JOSEPH LAUZON  
Benkel 99  
CH-5044 Schlossrued  
Switzerland



THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff, Molly Lori Young of 6225, St. Georges Place, West Vancouver, B.C. V7W 1Y6, Canada in respect of the claim set out on the next page.

Within twenty eight (28) 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 28th day of May 2003

NOTE - This Writ may not be served later than 4 calendar 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 the widow of Ira Young, late of West Vancouver, British Columbia, Canada who died on 30 January 2003. The Plaintiff is one of the executors and the sole beneficiary under her late husband's last Will.
2. The Defendant is the Plaintiff's brother. He resides in Switzerland.
3. At the end of 1994, the Defendant, acting on behalf of the Plaintiff and her husband, incorporated a company in the Cayman Islands, Olympia Funding Ltd. ("Olympia"). At all material times, Olympia was funded by the Plaintiff and her late husband.
4. There is only one issued share ("the Share") of Olympia which is registered in the name of the Defendant. By a document dated 12 December 1994 and signed by the Defendant, the Defendant stated as follows:

"I declare that I hold in trust for Ira Young, or upon his demise, his wife Molly Lori Young, one ordinary share of Olympia Funding Ltd., par value US\$1.00."

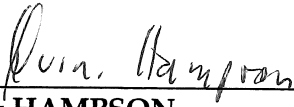
In the premises and in the events which have occurred, the Defendant holds the Share on trust for the Plaintiff absolutely.
5. At all material times, the registered office of Olympia has been c/o Paget-Brown & Company Ltd., West Wind Building, Harbour Drive, Grand Cayman. The sole director of Olympia is The Director Ltd., a company providing director services on behalf of Paget-Brown & Company Ltd.
6. In dealing with its assets, Olympia has been accustomed to act on the instructions of the Defendant. In giving such instructions, the Defendant has acted without reference to the interests of the Plaintiff and her late husband who, ultimately, were, as the Plaintiff still is, the sole beneficial owners of Olympia. In particular, shortly after the death of the Plaintiff's husband, the Defendant arranged for the transfer of certain bank balances

of Olympia, then held at Cayman National Bank, Grand Cayman, to Switzerland. Despite being requested to do so by the Plaintiff, the Defendant has refused to account for the transferred balance.

7. The Plaintiff as sole beneficial owner wishes to terminate the trust of the Share.

AND the Plaintiff claims:

1. A declaration that the Defendant holds the Share in trust for the Plaintiff.
2. An order that the Defendant do transfer the Share to the Plaintiff.
3. An injunction restraining the Defendant, pending such transfer, from:
  - (1) Disposing of or otherwise dealing with the Share;
  - (2) Exercising any powers vested in him to deal with any assets of Olympia, whether as a signatory of any account or accounts in the name of Olympia or otherwise, save with the written consent of the Plaintiff.
4. An account of all assets of Olympia come into the hands of the Defendant whether by virtue of the Share, any exercise of the powers referred to in paragraph 3 (2) above or otherwise.
5. Further or other relief.
6. Costs.

  
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**QUIN & HAMPSON**  
**Attorneys-at-Law for the Plaintiffs**

This Writ of Summons was issued by Quin & Hampson, Attorneys-at-Law for and on behalf of the Plaintiff, 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 instalments 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.

BETWEEN: MOLLY LORI YOUNG Plaintiff

AND: JOSEPH LAUZON Defendant

**ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS**

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

**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.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

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2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)  
 yes  no

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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*).  
 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  
(Kenneth Farrow)

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