

IN THE GRAND COURT OF THE CAYMAN ISLANDS

Fees paid. \$150 -  
Receipt No. 205836  
DATE NO. 4/2/04  
OF 2004

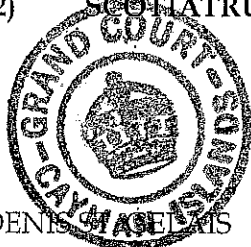
BETWEEN: MUTUAL FIRE, MARINE AND INLAND INSURANCE COMPANY

81  
Plaintiff

AND: (1) DENIS ST. GELAIS

(2) SCOTIATRUST CAYMAN

Defendants



WRIT OF SUMMONS

TO: DENIS ST. GELAIS  
2011 Eckland Court  
Mississauga, Ontario L5L 5W5  
Canada

SCOTIATRUST CAYMAN  
6 Cardinal Avenue, George Town  
Grand Cayman



THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff, MUTUAL FIRE, MARINE AND INLAND INSURANCE COMPANY of 120 East Uwchlan Avenue, Exton, PA 19341, U.S.A. in respect of the claim set out on the next page.

Within, in the case of the First Defendant, twenty-eight (28) days and, in the case of the Second Defendant, fourteen (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 11th day of February 2004

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.

## INDORSEMENT

The Plaintiff claims:

Against the First Defendant:

- (1) Judgment in the sum of US\$10,000.00 being part of the amount of the judgment ("the Texas Judgment") entered against the First Defendant in the United States District Court, Southern District of Texas, Case No. H-93-1930, on 24 June 1998;
- (2) Interest on such part of the Texas Judgment pursuant to section 34 of the Judicature Law (2002 Revision) at such rate and for such period as the Court thinks fit;
- (3) Further or other relief;
- (4) Costs.

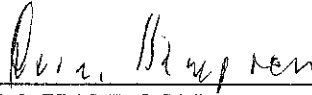
Against the Second Defendant:

- (5) An Order that the Second Defendant do inform the Plaintiff in writing of:
  - (i) all Relevant Assets (as hereinafter defined), whether in the Cayman Islands or not, giving the value, location and details of all such Relevant Assets;
  - (ii) the manner in which all such Relevant Assets were transferred to or under the control of the Second Defendant and the identity of the transferor;
  - (iii) the terms upon which all such Relevant Assets are held;
  - (iv) [as per draft Order]

"Relevant Assets" means [ amend as per draft Order] assets vested in, or under the control of, the Second Defendant, whether as trustee or otherwise, and:

- (i) in which the First Defendant has a beneficial interest; or

- (ii) which were transferred to, or under the control of, the Second Defendant by the First Defendant or by any entity in which, to the knowledge of the Second Defendant, the First Defendant had, at the time of such transfer, a beneficial interest.
- (6) Further or other relief.

  
\_\_\_\_\_  
QUIN & HAMPSON  
Attorneys-at-Law for the Plaintiff

This Writ of Summons was issued by Quin & Hampson, Attorneys-at-Law for the Plaintiff herein, 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*

BETWEEN: MUTUAL FIRE, MARINE AND INLAND INSURANCE COMPANY Plaintiff

AND: (1) DENIS ST. GELAIS (2) SCOTIATRUST CAYMAN Defendants

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.

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 appropriate box) [ ] yes [ ] no

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

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.*