

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 94 OF 2004

BETWEEN:

- (1) CIBC MELLON TRUST COMPANY  
(Acting in its capacity as Trustee of the Chrysler Canada Ltd's Benefits Plan, the Chrysler Canada Ltd. Master Trust Fund, the Chrysler Canada Ltd. Non-Canadian Master Trust Fund, the Holmes Foundry Division Master Trust Fund)  
(2) DAIMLERCHRYSLER CANADA INC

PLAINTIFFS

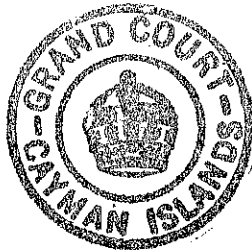
AND:

WOLFGANG OTTO STOLZENBERG

DEFENDANT

WRIT OF SUMMONS

To: Wolfgang Otto Stolzenberg  
Schwarzer Weg 26  
64287 Darmstadt  
Deutschland  
Germany



THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs in respect of the claim set out on the next page.

Within 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, PO 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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 18<sup>th</sup> day of February 2004.

NOTE: This Writ may not be served later than 6 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.

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## STATEMENT OF CLAIM

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1. The First Plaintiff is and was at all material times a company incorporated according to the laws of Canada having its principal place of business at 320 Bay Street, PO Box 1, Toronto, Ontario, Canada, M5H 4A6.
2. The Second Plaintiff is and was at all material times a company incorporated according to the laws of Canada having its principal place of business at 2450 Chrysler Centre, Windsor, Ontario, Canada, N8W 3X7, until September 2002, and at One Riverside Drive West, Windsor, Ontario, Canada, N9A 5K3 after that date.
3. The Defendant is a German national who is currently resident in Germany.
4. On 1<sup>st</sup> August 1996, The Canada Trust Company (acting in its capacity as Trustee of the Chrysler Canada Ltd.'s Benefit Plan, the Chrysler Canada Ltd. Master Trust Fund, the Chrysler Canada Ltd. Non-Canadian Master Trust Fund and the Holmes Foundry Division Master Trust Fund), Royal Trust Corporation of Canada (acting in its capacity as Trustee of Chrysler Canada Ltd. Supplemental Unemployment Benefit Plans) and Chrysler Canada Limited commenced proceedings by Writ against the Defendant, three other individual Defendants and 31 corporate and other entities in the High Court of Justice of England and Wales (Chancery Division), under Claim No. HC 1996 04995 (the "English Proceedings").
5. The Plaintiffs in the English Proceedings claimed that the Defendant, with certain of the other Defendants, had conspired to defraud the Plaintiffs of the equivalent of approximately C\$240 Million. The claim for deceit and conspiracy arose from loans or investments made on false representations by the Plaintiffs in Castor Holdings Ltd., a Montreal-based, New Brunswick incorporated property and finance company, and various other corporations owned, operated and/or controlled by one or more of the Defendants.

6. The High Court of Justice of England and Wales (Chancery Division) had jurisdiction to try the action and was duly constituted in accordance with the laws of England.
7. The First Plaintiff in this action, CIBC Mellon Trust Company, succeeded The Canada Trust Company and Royal Trust Corporation of Canada as trustees of the aforementioned trusts with effect from 21<sup>st</sup> January 1999 and 15<sup>th</sup> January 2000 respectively. CIBC Mellon Trust Company was substituted for The Canada Trust Company and Royal Trust Corporation of Canada in the English Proceedings on 8<sup>th</sup> May 2000.
8. On 15<sup>th</sup> June 1999 the name of Chrysler Canada Limited was changed to DaimlerChrysler Canada Inc.
9. Pursuant to an Order of Mr Justice Rattee made on 23<sup>rd</sup> February 1998, judgment in default of service of a Defence was entered against the Defendant in deceit and conspiracy on 25<sup>th</sup> February 1998 with damages to be assessed. The Order also provided that an account was to be taken of the amount due to the Plaintiffs by the Defendant. The costs of the action on an indemnity basis were awarded in favour of the Plaintiffs. The Plaintiffs have not applied to have these costs taxed.
10. On 24<sup>th</sup> April 1998, District Judge Lipton ordered the Defendant to pay the Plaintiffs the following sums:
  - 10.1. Damages and interest thereon of C\$163,440,468.00 and US\$125,018,620.00;
  - 10.2. C\$43,877,160.00 due from the taking of the account and C\$24,977,526.00 interest to 24<sup>th</sup> April 1998 (together totalling C\$68,854,686.00);
  - 10.3. Costs of the assessment of damages and the account.
11. The Plaintiffs have not applied to have costs of the assessment of damages and the account taxed.

12. Pursuant to the English Judgments Act 1838, the judgment carries interest at the rate of 8% per annum calculated on the judgment debt and costs from the date of the judgment until payment.
13. No application to set the judgment aside has been made. No appeal against the judgment has been brought within the time prescribed by English procedural rules.
14. The Defendant has failed to pay to the Plaintiffs the amount of the judgment, or any part thereof, which remains outstanding.

**AND THE PLAINTIFFS CLAIM:**

1. Payment of the judgment debt in the sum of C\$232,295,154.00 and US\$125,018,620.00.
2. Interest on the judgment debt at the rate of 8 percent per annum, from the date of judgment in the English Proceedings until the date of the issue of this Writ, being C\$108,243,177.51 and US\$58,255,251.75, as per the schedule attached, and from the date of the issue of this Writ until judgment at C\$50,914.01 and US\$27,401.34 per day.
3. Further or alternatively, interest on the judgment debt pursuant to section 34 of the Judicature Law (2002 Revision) from the date of judgment in the English Proceedings until the date of the issue of this Writ, being C\$87,428,895.29 and US\$41,640,191.53, as per the schedule attached, and from the date of the issue of this Writ until judgment at C\$25,457.00 and US\$10,275.50 per day.
4. Alternatively, interest at such rates and for such periods as the Court shall think fit.
5. Costs.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiffs or its Attorney.



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Maples and Calder  
Attorneys-at-law for the Plaintiffs

TO: The Clerk of the Court

AND TO: Wolfgang Otto Stolzenberg  
Schwarzer Weg 26  
64287 Darmstadt  
Deutschland  
Germany

This Writ was issued by Maples and Calder, Attorneys for the Plaintiffs whose address for service is Ugland House, South Church Street, PO Box 309GT, George Town, Grand Cayman. (Ref. NRT/ 270482-01)

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(2) DAIMLERCHRYSLER CANADA INC

PLAINTIFFS

AND:

WOLFGANG OTTO STOLZENBERG

DEFENDANT

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INTEREST SCHEDULE

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**1. Interest pursuant to the English Judgments Act 1838**

Interest at 8% per annum on C\$232,295,154.00 and on US\$125,018,620.00 from 24<sup>th</sup> April 1998 until 18<sup>th</sup> February 2004, being 2126 days, totalling C\$108,243,177.51 and US\$58,255,251.75, and from 19<sup>th</sup> February 2004 until judgment at C\$50,914.01 and US\$27,401.34 per day.

**2. Interest pursuant to section 34 of the Judicature Law (2002 Revision)**

2.1. Interest on Canadian dollar judgment sum

Period	Rate (per annum)	Amount due (C\$)
24 <sup>th</sup> April 1998 – 31 <sup>st</sup> December 1998	7%	\$11,181,988.65
1 <sup>st</sup> January 1999 – 31 <sup>st</sup> May 2001	6 3/4%	\$37,889,567.11
1 <sup>st</sup> June 2001 – 31 <sup>st</sup> August 2003	6 1/2%	\$34,004,191.99
1 <sup>st</sup> September 2003 – 18 <sup>th</sup> February 2004	4%	\$4,353,147.54
		<b>\$87,428,895.29</b>

2.2. Interest on United States dollar judgment sum

Period	Rate (per annum)	Amount due (US\$)
24 <sup>th</sup> April 1998 – 31 <sup>st</sup> December 1998	7 7/8%	\$6,770,272.05
1 <sup>st</sup> January 1999 – 31 <sup>st</sup> May 2001	7%	\$21,146,985.20
1 <sup>st</sup> June 2001 – 31 <sup>st</sup> August 2003	6 1/4%	\$11,965,823.26
1 <sup>st</sup> September 2003 – 18 <sup>th</sup> February 2004	3%	\$1,757,111.02
		<b>\$41,640,191.53</b>