

IN THE GRAND COURT OF THE CAYMAN ISLANDS

364  
CAUSE NO: OF 2004

BETWEEN: (1) AVIATION INVESTORS INTERNATIONAL GROUP, LTD.

1<sup>ST</sup> PLAINTIFF

(2) AVIATION INVESTORS HOLDINGS, LTD.

2<sup>ND</sup> PLAINTIFF

(3) AII DC-10-30-46922, INC.

3<sup>RD</sup> PLAINTIFF

(4) AVIATION INVESTORS DC-10-30-46991, INC.

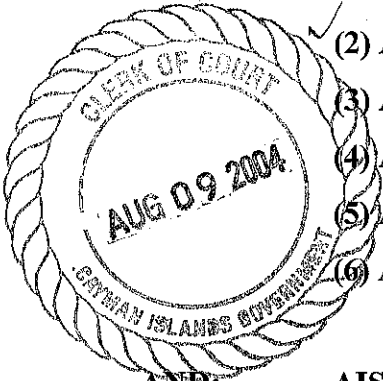
4<sup>TH</sup> PLAINTIFF

(5) AII-DC-10-30-46991, INC.

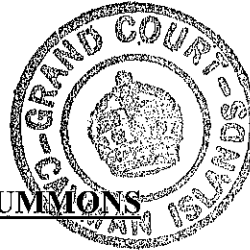
5<sup>TH</sup> PLAINTIFF

(6) AVIATION INVESTORS 757-24838, LTD.

6<sup>TH</sup> PLAINTIFF



AND: AIS LTD.



DEFENDANT

WRIT OF SUMMONS

TO: AIS Ltd. c/o Chancery International (Cayman) Limited, P.O. Box 1561 G.T., 5<sup>th</sup> Floor Zephyr House, Mary Street, George Town, Grand Cayman, Cayman Islands

THIS WRIT OF SUMMONS has been issued against you in respect of the claims set out hereunder by the above named Plaintiffs of respectively;

- (1) c/o Maricorp Services Ltd., P.O. Box 2075, G.T., Grand Cayman
- (2) c/o Maricorp Services Ltd., P.O. Box 2075, G.T., Grand Cayman
- (3) c/o CSC, 2711 Centreville Road, Suite 400, Wilmington, Delaware, 19808, U.S.A.
- (4) c/o Maples and Calder, P.O. Box 309 G.T., Ugland House, South Church Street, Grand Cayman
- (5) c/o CSC, 2711 Centreville Road, Suite 400, Wilmington, Delaware, 19808, U.S.A.
- (6) c/o Maples and Calder, P.O. Box 309 G.T., Ugland House, South Church Street, Grand Cayman

Within 14 days after 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, George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.



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

Issued this 9<sup>th</sup> day of August, 2004.

**NOTE** this Writ may not be served later than 4 calendar months beginning with that date unless renewed by order of the Court

### **IMPORTANT**

Directions for the Acknowledgement of service are given with the accompanying form.

### **STATEMENT OF CLAIM**

1. The First, Second, Fourth and Sixth Plaintiffs are companies incorporated under the law of the Cayman Islands. The Third and Fifth Plaintiffs are Delaware corporations. The Defendant is a Cayman Islands company.
2. On 30 April, 2002 the Plaintiffs issued proceedings in the Superior Court of New Jersey Law Division: Bergen County Docket No. BER-L-3719-02 ("the New Jersey proceedings") against various parties including the Defendant. The action arose from the defendants' breaches of fiduciary duty, theft of corporate opportunities, misrepresentations, waste and mismanagement, and unjust enrichment. A First Amended Complaint and Jury Demand was filed by the Plaintiffs on 4 November, 2002.



3. The New Jersey Court had jurisdiction to hear the action and was duly constituted in accordance with the Law of the State of New Jersey.
4. On 3 February, 2003 the Defendant was served with the Summons and First Amended Complaint in the New Jersey proceedings in accordance with the Laws of the State of New Jersey and the Cayman Islands by delivering same by hand to the offices of Chancery International (Cayman) Limited, being the registered office of the Defendant.
5. A motion for default judgment was filed on behalf of the Plaintiffs on 30 March, 2004 and served upon the Defendant at its registered office by Federal Express courier.
6. The Defendant, having failed to answer the Complaint or otherwise move as to the Complaint; and, default having been properly entered against the Defendant on 16 April, 2004, and the New Jersey Court having considered a Certificate of Amount Due and Owing to the Plaintiffs; and good cause having been shown, the Honourable Jonathan N. Harris, J.S.C. entered final judgment by default on 21 May, 2004 in favour of the Plaintiffs against the Defendant for the sum of US \$7,157,409.96 plus post judgment interest at the legal rate.
7. That pursuant to the Order of the Honourable Jonathan N. Harris, J.S.C., a copy of the Order of final judgment was served on the Defendant at its registered office by next day Federal Express courier delivery, dispatched on 25 May 2004.
8. The Defendant has failed to pay to the Plaintiffs the sum of US \$7,157,409.96 or any



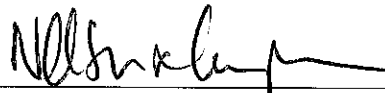
sum.

**AND THE PLAINTIFF CLAIMS FROM THE DEFENDANT:-**

1. The sum of US \$7,157,409.96;
2. Interest upon the said sum in accordance with the terms of said judgment at the legal rate in force in the State of New Jersey from the 21 May, 2004 until judgment herein and thereafter at such rate and for such period as the Court considers just;
3. Costs;
4. Further as the relief.

Dated the 9<sup>th</sup> day of, August 2004.

If, within the time for returning the Acknowledgment of Service, the Defendant pay the total amount claimed of US \$7,157,409.96 including interest and costs further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.

  
NELSON & COMPANY  
Attorneys-at-law for the Plaintiffs

**TO:** The Clerk of the Court

**AND TO:** The Defendant,







(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 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.*

<p><i>Nelson &amp; Company 4<sup>th</sup> Floor, West Wind Building Harbour Drive P.O. Box 2075 George Town Grand Cayman</i></p>	<p><i>Phone: 949 9710 Ref: RLN/935-001</i></p>
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*Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.*

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Acknowledgment of service of writ of summons (O.12, r.3)

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 its 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.