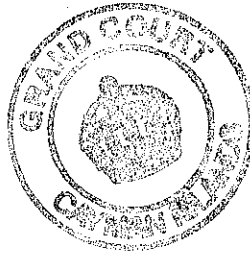


IN THE GRAND COURT OF THE CAYMAN ISLANDS

366  
CAUSE NO. OF 2004

BETWEEN:

JACKIE MOLINE



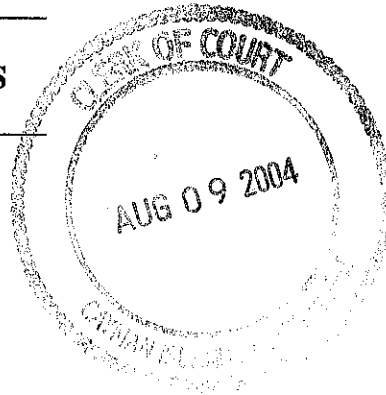
Plaintiff

AND:

LEMPERT BROTHERS (CAYMAN) LIMITED

Defendant

WRIT OF SUMMONS



TO: Lempert Brothers (Cayman) Limited  
P.O. Box 2075 GT  
4<sup>th</sup> Floor, West Wind Building  
George Town  
Grand Cayman  
Cayman Islands

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, 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 Plaintiff may proceed with the action and judgment 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 (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.

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**STATEMENT OF CLAIM**

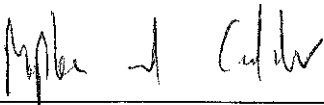
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1. At all material times the Plaintiff ("Ms. Moline") was and is a resident of the United States of America whose address is 223 West 19<sup>th</sup> Street, Apartment 5, New York, New York 10011, United States of America.
2. At all material times the Defendant was and is a company incorporated in the Cayman Islands whose registered office is located P.O. Box 2075GT, 4<sup>th</sup> Floor, West Wind Building, George Town, Grand Cayman, Cayman Islands.
3. In or around late 2003, the Defendant entered into a business venture with Ms. Moline's husband and his business partners, full particulars of which are known to the Defendant.
4. In or around March 2004, in furtherance of the business venture, Ms. Moline was requested to pay rent and a security deposit on a property located at 19 Mercer Street, New York, New York 10013, United States of America (the "Property").
5. By way of a promissory note dated 1<sup>st</sup> April 2004, delivered to Ms. Moline on 4<sup>th</sup> April 2004, the Defendant agreed to pay the sum of USD 16,500 to Ms. Moline on 1<sup>st</sup> May 2004.
6. In or around April 2004, Ms. Moline paid the sum of USD 16,500 to the landlord of the Property in respect of the rent and security deposit.
7. In breach of the promissory note, the Defendant has failed to pay to Ms. Moline the sum of USD 16,500 or any sum in respect of the promissory note.

8. By a letter dated 16<sup>th</sup> July 2004, Maples and Calder, Attorneys for Ms. Moline, wrote to the Defendant demanding payment of the outstanding sum on or before 30<sup>th</sup> July 2004.
9. The Defendant has failed to pay the amount due or any amount.
10. In the premises, the sum of USD 16,500 is outstanding, due and owing to Ms. Moline.
11. Ms. Moline claims interest on the unpaid sum pursuant to Section 34 of the Judicature Law (2002 Revision) and the Judgment Debt (Rules of Interest) Rules 1995 (as amended) at such rate and for such period as the Court shall think fit.

**THEREFORE THE PLAINTIFF CLAIMS:**

1. Judgment for the sum of USD 16,500;
2. Interest on the Judgment Sum pursuant to statute;
3. Costs.



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**Maples and Calder**  
Attorneys-at-law for the Plaintiff

This Writ was issued by Maples and Calder, Attorneys for the Plaintiff whose address for service is Uglan House, South Church Street, PO Box 309GT, George Town, Grand Cayman. (Ref. 606868-01/MWI)



**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.*

Ms. Jackie Moline  
C/o Maples and Calder  
Attorneys-at-Law  
Ugland House  
South Church Street  
P.O. Box 309 GT  
George Town  
Grand Cayman  
Ref: 606868-01/MWI

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

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING SUMMONS**

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 495GT, George Town, Grand Cayman.

**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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. For the purpose of calculating the period of 28 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.
4. 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 Originating Summons)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.