

IN THE GRAND COURT OF THE CAYMAN ISLANDS

403

CAUSE NO: OF 2004

BETWEEN

- (1) DR JEFFREY S. SERSLAND  
- and -
- (2) SEFERINO PAZ JR.  
- and -
- (3) CAMDEN SERVICES LIMITED

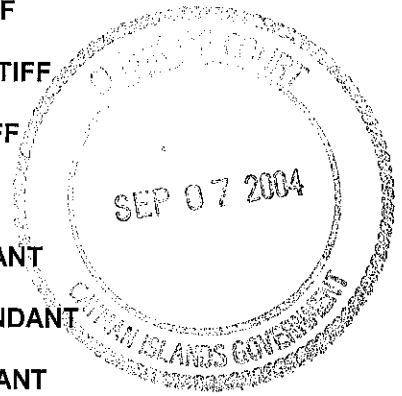


- FIRST PLAINTIFF
- SECOND PLAINTIFF
- THIRD PLAINTIFF

AND

- (1) ST. MATTHEWS UNIVERSITY LIMITED  
- and -
- (2) DR. JERRY THORNTON  
- and -
- (3) BETSY THORNTON  
- and -
- (4) DR. MICHAEL HARRIS  
- and -
- (5) DR. GALEN SWARTZENDRUBER  
- and -
- (6) DR. SUSHIL K. ASTHANA  
- and -
- (7) ST. MATTHEWS UNIVERSITY  
(CAYMAN) LIMITED

- FIRST DEFENDANT
- SECOND DEFENDANT
- THIRD DEFENDANT
- FOURTH DEFENDANT
- FIFTH DEFENDANT
- SIXTH DEFENDANT
- SEVENTH DEFENDANT



WRIT OF SUMMONS

TO:

St. Matthews University Ltd.  
 C/o: W.H. Courtenay & Co.  
 1879 Hutson Street  
 Belize City

Dr. Jerry Thornton  
 1750 W. Broadway St,  
 Suite #114  
 Oviedo, Florida 32765  
 U.S.A.

Mrs, Betsy Thornton  
 1750 W. Broadway St.  
 Suite #114  
 Oviendo, Florida 32765  
 U.S.A.

Dr. Michael Harris  
1005 W. College Boulevard  
Suite A  
Niceville, Florida 32578  
U.S.A.

Dr. Galen Schwartzendruber  
1921 Waldemere Street  
Sarasota, Florida 34239-2943  
U.S.A.

Dr. Sushil K. Asthana  
1005 W. College Boulevard  
Suite C  
Niceville, Florida 32578  
U.S.A.

St. Matthews University (Cayman) Limited  
P.O. Box 30992 SMB  
West Bay Road at Lime Tree Avenue  
George Town  
Grand Cayman  
Cayman Islands  
B.W.I.

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, 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 7<sup>th</sup> day of September 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.

**STATEMENT OF CLAIM**  
(General Indorsement)

**THE PLAINTIFFS CLAIM IS FOR:**

1. Declarations arising from the rights of the Plaintiffs as minority shareholders in the First Defendant including a declaration that the Second through Sixth Defendants as the controlling directors of the First Defendant have breached their fiduciary obligations and duties to safeguard and protect the interests of the First Defendant and of all shareholders of the First Defendant including minority shareholders, and that the Second through Sixth Defendants have by their management of the business affairs of the First Defendant, unlawfully and in breach of their fiduciary duties engaged in conduct manifestly prejudicial to the First Defendant and its minority shareholders.
2. Generally, the Plaintiffs claim that their rights as minority shareholders in the First Defendant have been violated and oppressed by the Second, Third, Fourth, Fifth, Sixth and Seventh Defendants as majority shareholders of the First Defendant.
3. The breach of duties complained of include but are not limited to (a) fraudulent/unlawful transfer and or issuance of shares (b) dilution of the Plaintiff's shareholdings (c) appropriation of the Plaintiffs property including intellectual property (d) conversion (e) undue influence (f) unlawful and or fraudulent re-location of assets (g) conspiracy to injure the Plaintiffs, and (h) the libelling and defamation of the Plaintiffs.
4. Damages, restitution of monies and another assets of the First Defendant where appropriate, revocation of company registration documents and injunction relief as required.
5. Prejudgment and post judgment interest in accordance with the Judicature Law.
6. Legal costs including court costs.
7. Such further and other relief as to this Honourable Court may deem just and equitable.

*Stuarts*

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STUARTS  
ATTORNEYS AT LAW FOR THE PLAINTIFF

THIS WRIT was issued by Stuarts, Attorneys-At-Law for the Plaintiffs whose address for service is Cayman Financial Centre 36 A Dr. Roy's Drive, PO Box 2510 GT Grand Cayman, Cayman Islands

## **Acknowledgement of service of writ of summons**

### **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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

403

CAUSE NO: OF 2004

BETWEEN

- |     |                         |   |                  |
|-----|-------------------------|---|------------------|
| (1) | DR JEFFREY S. SERSLAND  | ) | FIRST PLAINTIFF  |
|     | - and -                 | ) |                  |
| (2) | SEFERINO PAZ JR.        | ) | SECOND PLAINTIFF |
|     | - and -                 | ) |                  |
| (3) | CAMDEN SERVICES LIMITED | ) | THIRD PLAINTIFF  |

AND

- |     |   |   |                   |
|-----|---|---|-------------------|
| (1) | ST. MATTHEWS UNIVERSITY LIMITED             | ) | FIRST DEFENDANT   |
|     | - and -                                     | ) |                   |
| (2) | DR. JERRY THORNTON                          | ) | SECOND DEFENDANT  |
|     | - and -                                     | ) |                   |
| (3) | BETSY THORNTON                              | ) | THIRD DEFENDANT   |
|     | - and -                                     | ) |                   |
| (4) | DR. MICHAEL HARRIS                          | ) | FOURTH DEFENDANT  |
|     | - and -                                     | ) |                   |
| (5) | DR. GALEN SWARTZENDRUBER                    | ) | FIFTH DEFENDANT   |
|     | - and -                                     | ) |                   |
| (6) | DR. SUSHIL K. ASTHANA                       | ) | SIXTH DEFENDANT   |
|     | - and -                                     | ) |                   |
| (7) | ST. MATTHEWS UNIVERSITY<br>(CAYMAN) LIMITED | ) | SEVENTH 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.

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                       no
- 

Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

**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.

Anthony Akiwumi  
Stuarts  
Attorneys - At - Law  
Cayman Financial Centre  
36A Dr. Roy's Drive  
P.O. Box 2510 GT  
Grand Cayman  
Cayman Islands

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

[Empty box for defendant's attorney indorsement]