

IN THE GRAND COURT OF THE CAYMAN ISLANDS

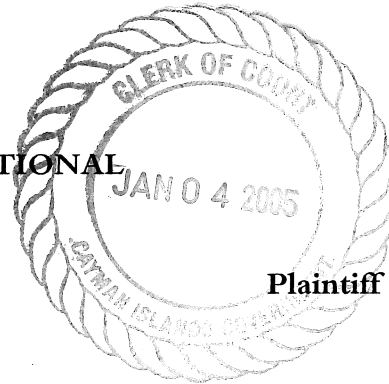


CAUSE NO: 2 OF 2005

BETWEEN:



TRITON CONTAINER INTERNATIONAL  
LIMITED



Plaintiff

AND

- [1] DI GREGORIO NAVEGACAO LTDA
- [2] DI GREGORIO TOCAN TRANSPORTES LTDA
- [3] FRANCO DI GREGORIO
- [4] CAMILLO DI GREGORIO

Defendants

---

---

WRIT OF SUMMONS

---

---

TO: Di Gregorio Navegacao Ltda, Di Gregorio Tocan Transportes Ltda, Franco Di Gregorio and Camillo Di Gregorio

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 21 *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 Acknowledgement 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 4<sup>th</sup> day of January 2005

**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 Acknowledgement of Service are given with the accompanying form.

---

---

STATEMENT OF CLAIM

---

---

1. The Plaintiff is and was at all material times a limited company incorporated in California, U.S.A. and having its principal place of business at 55 Green Street, San Francisco, California 94111, U.S.A.
2. The First Defendant is and was at all material times a Brazilian company, having its principal place of business at Avenida Indianopolis 171, Moerna, Sao Paulo, Brasil CEP 04063-000.
3. The Second Defendant is and was at all material times a Brazilian company, having its principal place of business at Avenida Guilherme Cotching 330, 02113 Villa Maria, Sao Paulo, Brasil.
4. The Third Defendant is an individual resident in Brazil whose normal place of residence is at Avenida Indianopolis 171, Moerna, Sao Paulo, Brasil CEP 04063-000.
5. The Fourth Defendant is an individual resident in Brazil whose normal place of residence is at Avenida Indianopolis 171, Moerna, Sao Paulo, Brasil CEP 04063-000.
6. On 19 April 1999, the Plaintiff commenced an action against the First, Second, Third and Fourth Defendants (collectively the "Defendants") for

breach of contract in the U.S. District Court in San Francisco under Case No. 99-1291 MMC (the "District Court").


7. The District Court had jurisdiction to try the action and was duly constituted in accordance with the laws of the United States of America.
8. On 28 November 2001, the District Court gave judgement for the Plaintiff against the Defendants in the sum of US\$4,442,514.79, together with interest thereon at a rate of 2.67% p.a.
9. The Defendants have failed to pay to the Plaintiff the amount of the judgment debt or any part thereof, which remains outstanding.

AND THE PLAINTIFF claims:

1. Payment of the said judgment debt of US\$4,442,514.79;
2. Interest on the said sum of US\$4,442,514.79 at a rate of 2.67% p.a. totalling US\$367,869.44 as at the date hereof and continuing to accrue at the daily rate of US\$324.97 up until the date of judgment and thereafter interest under the Judicature Law (2002 Revision);
3. Costs of the action.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of \$4,810,411.23 (including interest and costs), further proceedings will be stayed. The money must be paid to the Plaintiff or its Attorney.

Dated the 4<sup>th</sup> day of January 2005

  
APPLEBY SPURLING HUNTER

TO: The Clerk of the court

AND TO: Di Gregorio Navegacao Ltda  
Avenida Indianopolis 171  
Moerna  
Sao Paulo  
Brasil  
CEP 04063-000

Di Gregorio Tocan Transportes Ltda  
Avenida Guilherme Cotching 330  
02113 Villa Maria  
Sao Paulo  
Brasil

Franco Di Gregorio  
Avenida Indianopolis 171  
Moerna  
Sao Paulo  
Brasil  
CEP 04063-000

Camillo Di Gregorio  
Avenida Indianopolis 171  
Moerna  
Sao Paulo  
Brasil  
CEP 04063-000

THIS WRIT was issued by Appleby Spurling Hunter, Attorneys-at-Law for the Plaintiff, whose address for service is that of its Attorneys, namely Clifton House, 75 Fort Street, PO Box 190 GT, Grand Cayman, Cayman Islands (Ref: 10613.001).

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE  
OF WRIT OF SUMMONS**

1. The accompanying form of Acknowledgement 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 495 GT, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 of "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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgement, 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 Acknowledgement 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 Write 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

CAUSE NO: 2 OF 2005

B E T W E E N:

TRITON CONTAINER INTERNATIONAL  
LIMITED

Plaintiff

AND

[1] DI GREGORIO NAVEGACAO LTDA  
[2] DI GREGORIO TOCAN TRANSPORTES LTDA  
[3] FRANCO DI GREGORIO  
[4] CAMILLO DI GREGORIO

Defendants

---

---

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

\_\_\_\_\_ Date:

Attorneys for the Defendant

Address for service:

**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.*

Appleby Spurling Hunter  
Attorneys-at-Law  
Clifton House  
75 Fort Street  
P.O. Box 190 GT  
George Town  
Grand Cayman  
Ref: JT/10613.001

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