

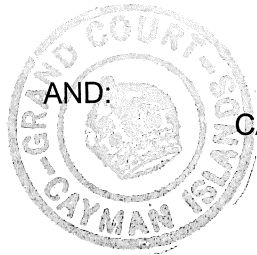
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 63 OF 2005

BETWEEN

KESTREL STOCK TRADING CO. LIMITED

PLAINTIFF



AND:

CAMPBELLS (A FIRM)



DEFENDANT

**ORIGINATING SUMMONS**

**LET THE DEFENDANT** of PO Box 884 Scotiabank Building George Town Grand Cayman attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the      day of      2005 at      o'clock on the hearing of an application by the Plaintiff KESTREL STOCK TRADING CO. LIMITED of 1 Costakis Pantelides Avenue, CY-1010 Nicosia, Cyprus for an Order that:

The Defendant firm do by one of its partners give disclosure under the court's equitable jurisdiction and otherwise pursuant to the principle established in *Norwich Pharmacal Co. v. Customs and Excise Commissioners* [1974] AC 133 (House of Lords, England and Wales) of the matters set out in paragraphs 1 & 2 below which the Plaintiff believes are known to the Defendant; also, for an order on the terms set out in paragraph 3, below that the Defendant must not disclose the existence of the proceedings or the Order made.

**TERMS OF ORDER**

1. The Defendant do give disclosure (subject to the terms defined in paragraph 2 below) of the following matters insofar as they are known to or reasonably suspected by him –

- (1) the name, address and any other contact details of its client or clients in a matter which was listed in the Grand Court on 7<sup>th</sup> February, 2005 on the application of the Attorney General, entitled "*CJICL 12/04 (3 days) S/restraint Order*";
- (2) the name address and any other contact details of each and every Associated Person;
- (3) the name, address and contact details of each and every person holding Trust Property and the location of such property;
- (4) the name, address and contact details of each and every bank at which the Trustees or an Associated Person has or have an account or accounts, and the name, number and the balance of any assets standing to the credit of each such account;
- (5) all documents in his possession tending to support the information sought in sub-paragraphs (1) to (4) of this paragraph 1 of this Schedule C.

2. The defined terms referred to in paragraph 1, are as follows -

- (1) "the Trusts" means –
  - (a) a trust called "The HPH Settlement" which was made by deed under Cyprus law on 4<sup>th</sup> December, 2002 between a company incorporated in the Cayman Islands called HPH Cayman Limited (as settlor), a company incorporated in Cyprus called Daventree Trustees Limited (as trustee), and an individual resident in the Republic of Slovakia called Juraj Siroky (as protector); of which the class of beneficiaries is comprised of the registered shareholders of a company incorporated in the Czech Republic called Harvardsky Prumyslovy Holdings a.s.; and

(b) a trust called "The HPH Distribution Settlement No. 2" which was made by deed under Cyprus law on 6<sup>th</sup> February, 2003 between the same parties in the same capacities, on the same terms, and with the same beneficiaries, as the HPH Settlement.

(2) "the Trustees" means and includes any one or more of the following –

(a) Daventree Trustees Limited (Cyprus);

(b) Juraj Siroky;

(c) Tomas Sevcik;

(d) Christina Sarris;

(e) Polakis Sarris;

(f) Boris Vostry;

(g) Daventree Resources Limited (Belize);

(h) Santiago Gomez; and

(i) any other individual or legal person to have held the office of trustee or protector from time-to-time under the Trusts.

(3) "property" means all property wherever situated and includes money, goods, shares, bank accounts, things in action, land and every description of property and also obligations and every description of interest whether present or future or vested or contingent, arising out of, or incidental to, property; including but

not limited to relationships of trust (whether actual, constructive or resulting), bailment, agency or partnership;

(4) "Trust Property" means all property of the Trustees and/or an Associated Person;

(5) "Associated Person" means –

(a) any company (or other legal person) that is owned or controlled whether directly or indirectly in whole or in part by the Trustees;

(b) any company (or other legal person) or individual that is holding or has held property to the order or for the benefit of the Trustees;

(c) any company (or other legal person) that is owned by or controlled whether directly or indirectly in whole or in part by another Associated Person;

(d) any company (or other legal person) or individual that is holding or has held property to the order of or for the benefit of another Associated person;

(e) any company (or other legal person) or individual that holds or purports to hold a power of attorney to act for and on behalf of the Trustees and/or another Associated Person;

(f) any company (or other legal person) or individual with authority whether single or joint to manage or withdraw funds from a bank account in the name of the Trustees or another Associated Person.

3. Except for the purpose of obtaining legal advice the Defendants must not directly or indirectly inform anyone of the proceedings or the contents of the Order made, or warn anyone that proceedings may be brought against him by the Plaintiff until further order of the Court.
4. The costs be payable by the Plaintiff in any event.

AND LET the Defendant within 14 days (or such abridged time as ordered by the Court) after service of this Summons on him counting the day of service, return the accompanying Acknowledgement of Service to the Courts Office P.O. Box 495 GT George Town, Grand Cayman.

Dated the 17<sup>th</sup> day of February 2005



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**WALKERS**

Attorneys-at-Law for the Plaintiff

NOTE: (1) This Summons 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 that date unless renewed by order of the Court.

(2) If the Defendant does not attend personally or by his attorney at the time and place above mentioned, such Judgment will be given or such Order made as the Court may think just and expedient.

**IMPORTANT**

Directions for Acknowledgment of Service are given with the accompanying form.

This Originating Summons is filed by Walkers, Attorneys-at-Law, Walker House, Mary Street, P.O. Box 265 GT, George Town, Grand Cayman, for the Plaintiff whose address for service is care of its said Attorneys-at-Law.