

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 319 2005

BETWEEN:

SEGOES SERVICES, LTD.

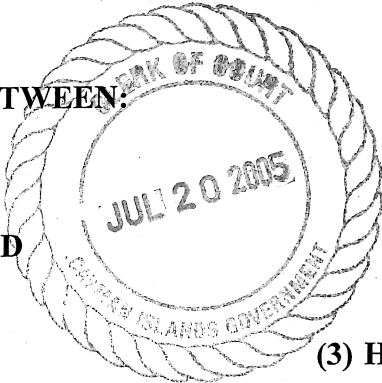
PLAINTIFF

AND

(1) CAMILA UEOKA  
(2) PAMELA KAWESKE

DEFENDANTS

(3) HIGHLAND CONSULTING LIMITED



WRIT OF SUMMONS

TO:

**Camila Ueoka** of Rua Santa Justina, 203 Apt. 82, Vila Olimpia, Sao Paulo, SP Brazil, CEP 04545-041

**Pamela Kaweske** of Apartment 44, Building H, 46 Andresen Road, Ocean Pointe Villas, P.O. Box 31457 SMB, West Bay, Grand Cayman, Cayman Islands, British West Indies, and also of 1343 Route 23, Sussex, New Jersey, 07461, USA

**Highland Consulting Limited** of 35 Barrack Road, Belize City, Belize, and also of Rua Santa Justina, 203 Ap 82, CEP 04545-041, Sao Paulo SP, Brazil

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 495G, 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 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 20<sup>th</sup> day of July 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.

### **THE PLAINTIFF'S CLAIM IS FOR:**

- A. A Declaration that the transfer of the sum of US\$100,000.00 from the Plaintiff to the First Defendant on or about 15<sup>th</sup> April 2005 is invalid and/or void.
- B. Further or alternatively, an Order that the transfer of the sum of US\$100,000.00 from the Plaintiff to the First Defendant on or about 15<sup>th</sup> April 2005 be set aside.
- C. Further or alternatively, a Declaration that the First Defendant holds the said sum of US\$100,000.00 on trust for the Plaintiff.
- D. Further or alternatively, a Declaration that the First Defendant is liable to account to the Plaintiff for the sum of US\$100,000.00, or such other sum as the Court thinks fit.
- E. Further or alternatively, an Order that the First Defendant repays the sum of US\$100,000.00, or such other sum as the Court thinks fit, to the Plaintiff forthwith.

- F. Further or alternatively, a Declaration that the Plaintiff is entitled to trace and recover from the First Defendant the sum of US\$100,000.00, or assets acquired directly or indirectly with such money.
- G. A Declaration that the transfers of the sums of US\$830,390.66 and/or US\$503,000.00 and/or US\$172,000.00 and/or US\$31,600.00 from the Plaintiff to the Second Defendant on or about 9<sup>th</sup> February 2005, 12<sup>th</sup> April 2005, 19<sup>th</sup> April 2005, and 20<sup>th</sup> April 2005 are invalid and/or void.
- H. Further or alternatively, an Order that the transfer of the sums of US\$830,390.66 and/or US\$503,000.00 and/or US\$172,000.00 and/or US\$31,600.00 from the Plaintiff to the Second Defendant on or about 9<sup>th</sup> February 2005, 12<sup>th</sup> April 2005, 19<sup>th</sup> April 2005, and 20<sup>th</sup> April 2005 be set aside.
- I. Further or alternatively, a Declaration that the Second Defendant holds the said sums, which amount to US\$1,536,990.66, on trust for the Plaintiff.
- J. Further or alternatively, a Declaration that the Second Defendant is liable to account to the Plaintiff for the sum of US\$1,536,990.66, or such other sum as the Court thinks fit.
- K. Further or alternatively, a Declaration that the Plaintiff is entitled to trace and recover from the Second Defendant the sums of US\$830,390.66 and/or US\$503,000.00 and/or US\$172,000.00 and/or US\$31,600.00, and/or assets acquired directly or indirectly with such money.
- L. Further or alternatively, an Order that the Second Defendant repays the sum of US\$1,536,990.66, or such other sums as the Court thinks fit, to the Plaintiff forthwith.

- M. Further or alternatively, a Declaration that the transfer of 1,495.3580 Class 8 Shares in the Paradigm Global I Fund Limited ('the Paradigm shares') from the Plaintiff to the Third Defendant on or about 7<sup>th</sup> February 2005 be set aside.
- N. Further or alternatively, a Declaration that the Third Defendant holds the Paradigm shares, and/or the proceeds of sale of the Paradigm shares, on trust for the Plaintiff.
- O. Further or alternatively, a Declaration that the Third Defendant is liable to account to the Plaintiff for the Paradigm shares, and/or the proceeds of sale of the Paradigm shares.
- P. Further or alternatively, a Declaration that the Plaintiff is entitled to trace and recover from the Third Defendant the Paradigm shares, and/or the proceeds of sale of the Paradigm shares, and/or assets acquired directly or indirectly with such money.
- Q. Further or alternatively, an Order that the First Defendant and/or the Third Defendant repay the Plaintiff a sum to be assessed in respect of the Paradigm shares.
- R. Further or alternatively, an Order that the First Defendant and the Second Defendant and the Third Defendant do account to the Plaintiff for such sums as Mr John Kaweske may be found liable to the Plaintiff in Cause No 221 of 2005, which sums are to be assessed;
- S. Further or alternatively, an Order that the First Defendant and the Second Defendant and the Third Defendant pay all interest on the funds ordered to be paid to the Plaintiff calculated in accordance with section 34 of the Judicature Law (2002 Revision) and the Judgment Debts (Rates of Interest) Rules or pursuant to the equitable jurisdiction of the Court.

T. Such further or other relief as the Court thinks fit.

U. Taxed costs of the action.

Dated this 20<sup>th</sup> day of July 2005

*Campbells*  
\_\_\_\_\_  
**CAMPBELLS**  
**Attorneys-at-Law for the Plaintiff**

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**This Writ of Summons** is filed by Campbells, of 4th Floor, Scotiabank Building, George Town, Grand Cayman, Attorneys for the Plaintiff which is a company in official liquidation and the official liquidators of which are Kenneth M Krys and Christopher Stride of RSM Cayman Islands, Commerce House, Dr Roys Drive, George Town, Grand Cayman

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 495, 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 installments or otherwise.

*See over for notes for guidance*

### 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 his 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.

BETWEEN: SEGOES SERVICES, LTD. PLAINTIFF

AND (1) CAMILA UEOKA DEFENDANTS

(2) PAMELA KAWESKE

(3) HIGHLAND CONSULTING LIMITED

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 the Defendants whereby they 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

(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 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.*

Messrs. Campbells  
Attorneys-at-Law  
Fourth Floor,  
Scotiabank Building,  
P.O. Box 884,  
George Town,  
GRAND CAYMAN

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