

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: *6* OF 2006

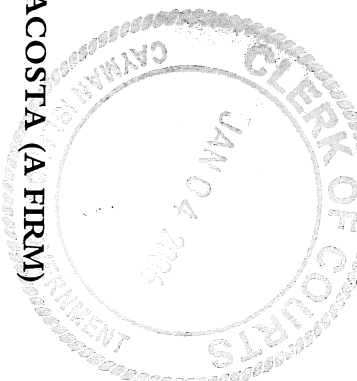
B E T W E E N:

- (1) CONDOCCO GRAND CAYMAN RESORT LTD.
- (2) MICHAEL RYAN

Plaintiffs



AND



- (1) BROADHURST DACOSTA (A FIRM)
- (2) ALDO GIANNNE

Defendants

WRIT OF SUMMONS

- TO: (1) Broadhurst DaCosta (a firm) of PO Box 2504GT, 40 Linwood Street,
George Town, Grand Cayman
- (2) Aldo Gianne, of PO Box 491458, Los Angeles, California CA900049
USA

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs 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 495GT, 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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 4th day of January 2006.

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 PLAINTIFFS' claim is for:

1. Damages for libel in respect of words contained in an email message published or caused to be published by the First Defendant to Steve Kaye and/or the firm of Klehr, Harrison, Harvey, Branzberg & Ellers on or about 6th February 2003 and further published or caused to be published by the Second Defendant to various addressees at 08:43 and/or 10:43 and/or 11:02 on the same date, and/or such other time or date to be identified.
2. Damages for libel in respect of words contained in an email message published or caused to be published by the First Defendant to various addressees at 11:24 on 7th February 2003 or such other time or date to be identified.
3. An injunction to restrain the Defendants, by themselves or their servants or agents or howsoever otherwise, from further publishing or causing to be published the said libels or any similar words defamatory of the Plaintiffs or either of them.
4. An injunction restraining the Defendants, whether themselves or by their respective servants or agents, from copying, disseminating or otherwise using in any way information confidential to the Plaintiffs, or either of them, namely
 - 4.1 the identity and email addresses of recipients listed in an email message inadvertently sent on behalf of the First Plaintiff to the Second Defendant on 31st January 2003; and
 - 4.2 the identity and contact details of the parties referred to in the above referenced email message of 7th February 2003, published or caused to be published by the Second Defendant to various addressees on or about that date.

5. An injunction restraining the Defendants from disclosing to any other person confidential information known to them by reason of their participation (whether as a party or otherwise) in any litigation concerning the Ritz Carlton Grand Cayman development ("the Development").
6. An injunction restraining the First Defendant from acting on behalf of any client, or continuing to do so, in any matter relevant to, or in connection with the Development.
7. Delivery up of all documents and materials which are in the possession, power, custody or control of either of the Defendants, the use or disclosure of which would offend against the foregoing injunctions or any of them.
8. An inquiry as to damages for breach of confidence or, at the option of the Plaintiffs, an account of all the profits made by the Defendants and each of them from the use of the said confidential information of the Plaintiffs and/or by reason of their breach of confidence.
9. Damages, alternatively equitable compensation, for conspiracy to injure the Plaintiffs, further or alternatively for unlawful interference with the Plaintiffs' economic interests.
10. An order for payment of all sums found to be due to the Plaintiffs together with interest pursuant to section 34 of the Judicature Law (2002 Revision) or under the equitable jurisdiction of the Court.
11. Such further or other relief as the Court thinks fit.
12. Taxed costs of the action.


APPLEBY SPURLING HUNTER

THIS WRIT was issued by Appleby Spurling Hunter of Clifton House, 75 Fort Street, P.O. Box 190 GT, Grand Cayman, Cayman Islands (Ref. JW/00022.024), Attorneys for the Plaintiffs, whose addresses are respectively (1) C/o Appleby Corporate Services, 75 Fort Street, 1350GT George Town, Grand Cayman; and (2) PO Box 32319 SMB Grand Cayman.

**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 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.

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- (2) MICHAEL RYAN

Plaintiffs

AND

- (1) BROADHURST DACOSTA (A FIRM)
- (2) ALDO GIANNE

Defendants

**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

Attorneys for Defendant _____ Date: _____
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.

Endorsement 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: [JW/00022/024]

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