

CAUSE NO. 181 OF 2006

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

**BETWEEN:**

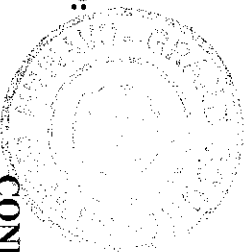
**PATRICIA MILLER**

**Plaintiff**

**AND:**

**CONDOCO GRAND CAYMAN RESORT LTD.**

**Defendant**



**ORIGINATING SUMMONS**

LET THE DEFENDANT of P.O. Box 1350GT, Clifton House, 75 Fort Street, George Town, Grand Cayman attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on the 16<sup>th</sup> day of May 2006 at 9<sup>24</sup> o'clock on the hearing of an application by the Plaintiff of 11331 Burnham Street, Los Angeles, California, United States of America for an Order that the Defendant do give disclosure pursuant to the principle established in *Norwich Pharmacal Co v. Customs and Excise Commissioners* [1974] AC 133 of:-

1. the Agreements of Sale and Purchase (together with all Schedules and Appendices attached thereto) for Unit Nos. 105, 113, 116, 316 and 411 of The Residential Condominiums at The Ritz-Carlton Grand Cayman Resort made between the Defendant and Aldo Gianne, either personally or through Redwood Hotel Investment Corporation;
2. all contractual information relating to Unit Nos. 105, 113, 116, 316 and 411 of The Residential Condominiums at The Ritz-Carlton Grand Cayman Resort including, but not limited to, all transfer documents, Land Registry forms and Deeds of Assignment;
3. all documentation evidencing that Aldo Gianne is the main shareholder and/or *de facto* controller of Redwood Hotel Investment Corporation,

because the Plaintiff has issued proceedings in the Grand Court of the Cayman Islands, Cause No. 40 of 2006, for breach of warranty and/or for fraudulent misrepresentation against Aldo Gianne and disclosure is necessary in order to ascertain whether Aldo Gianne breached warranties made and/or fraudulently misrepresented the extent of his assets in his divorce from the Plaintiff.

AND LET THE DEFENDANT within 14 days after service of this Summons on him, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office.

DATED this 12<sup>th</sup> day of May 2006.

*Walter Conolly*

RITCH & CONOLLY

Attorneys at Law for the Plaintiff

TIME ESTIMATE: The estimated length of the hearing of this summons is 15 minutes.

**NOTES:-**

- (1) This Summon may not be served later than 4 calendar months beginning with the above 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 order will be made as the Court may think just and expedient.

**IMPORTANT**

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

**Acknowledgement of service of originating summons (0.10, r.5)**

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING SUMMONS**

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.

**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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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 Originating Summons)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN:

PATRICIA MILLER

Plaintiff

AND:

CONDOCO GRAND CAYMAN RESORT LTD.

Defendant

ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING 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.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

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2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

yes                       no

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Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

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 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.

Messrs. Ritch & Conolly  
P.O. Box 1994 GT  
4<sup>th</sup> Floor Queensgate House  
113 South Church Street  
George Town  
Grand Cayman  
  
Ref: AHP/10252

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