

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

**CAUSE NO. 362-2-OF 2006**

**IN THE MATTER** of a Deed of Trust made on 27<sup>th</sup> July 1989 between Elena Gomez Del Campo De Lindzon and another (which is known as the Gamal Trust)

**AND IN THE MATTER** of a Trust Agreement made on 23<sup>rd</sup> March 1998 between Elena Gomez Del Campo De Lindzon and another (which is known as the Walls Number Four Trust)

**AND IN THE MATTER** of Section 48 of the Trust Law (2001 Revision)

**BETWEEN:**

**HSBC INTERNATIONAL TRUSTEE LIMITED**

**Plaintiff**

**and**

- (1) ELENA GOMEZ DEL CAMPO DE LINDZON
- (2) MARIANA PESSINO DE QUIRCH
- (3) ELENA LAURA PESSINO DE BALMASEDA
- (4) MARIA EUGENIA PESSINO DE ROTHWELL
- (5) CAROLINA CREWS
- (6) SANTIAGO CASAS
- (7) YAAN PESSINO
- (8) LORENA CASAS
- (9) M.E. FREEMAN
- (10) RAUL VALDES-FAULI
- (11) JOSEPH A FIELD
- (12) JAY MCDOWELL

**Defendants**

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**ORIGINATING SUMMONS**

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**TO:** **Elena Gomez del Campo de Lindzon** of El Rocio, Rainbow Road, Lyford Cay, The Island of New Providence, The Commonwealth of the Bahamas and c/o Ms. Ziva Robertson of Maples and Calder, P.O. Box 309GT, Ugland House, South Church Street, George Town, Grand Cayman KY1-1104, Cayman Islands, B.W.I.

**AND TO:** **Mariana Pessino de Quirch** of 8200 SE 52<sup>nd</sup> Avenue, Miami, FL 33143, United States of America



**AND TO:** Elena Laura Pessino de Balmaseda of Rue Forel 2, 1162 St Prex,  
Switzerland

**AND TO:** Maria Eugenia Pessino de Rothwell of 41 Deep Wood Lane,  
P.O. Box 2544, Amagansett, NY 11930, United States of America

**AND TO:** Carolina Crews of 124 W 60<sup>th</sup> Street, Apartment 32B, New York,  
NY 10023, United States of America

**AND TO:** Santiago Casas of Enrique d'Almonte 10, 28028 Madrid, Spain

**AND TO:** Yaan Pessino of 41 Deep Wood Lane, P.O. Box 2544, Amagansett  
NY 11930, United States of America

**AND TO:** Lorena Casas of Enrique d'Almonte 10, 28028 Madrid, Spain

**AND TO:** M.E. Freeman of Ragan & Freeman LLP, 400 Madison Avenue,  
New York, NY 10017-1909, United States of America

**AND TO:** Raul Valdes-Fauli of Fowler Rodriguez & Chakos,  
806 Douglas Road, Suite 580, Coral Gables, Miami, FL 33134,  
United States of America

**AND TO:** Joseph A. Field of Withers Bergman, 430 Park Avenue, 10<sup>th</sup> Floor,  
New York, NY 10022-3505, United States of America

**AND TO:** Jay McDowell of Withers Bergman, 430 Park Avenue, 10<sup>th</sup> Floor  
New York, NY 10022-3505, United States of America

**LET THE DEFENDANTS, Elena Gomez del Campo de Lindzon, Mariana Pessino de Quirch, Elena Laura Pessino de Balmaseda, Maria Eugenia Pessino de Rothwell, Carolina Crews, Santiago Casas, Yaan Pessino, Lorena Casas, M.E. Freeman, Raul Valdes-Fauli, Joseph A. Field and Jay McDowell, within 28 days after service of this Originating Summons on them, counting the day of service, return the accompanying acknowledgement of service to the Court Office, P. O. Box 495 GT, George Town, Grand Cayman KY1-1106, Cayman Islands, B.W.I.**

**BY THIS ORIGINATING SUMMONS, which is issued on the application of the Plaintiff, HSBC International Trustee Limited of**

P.O. Box 1109 GT  
Strathvale House  
90 North Church Street  
Grand Cayman KY1-1002  
Cayman Islands, B.W.I.

as the Trustee of the abovementioned Trusts, against the Defendants (whose addresses are given above and who in the case of the 1st to 8th Defendants are beneficiaries, in the case of the 8th to 10th Defendants are or may be members of the Management Committee of the Gamal Trust, and in the case of the 11th and 12th Defendants are Protectors of the Walls Number Four Trust) the Plaintiff seeks the following relief, namely:-

1. the directions of this Honourable Court as to whether or not the Plaintiff, as Trustee of each Trust, should take immediate steps to liquidate two companies registered in the BVI known as Keats Limited (“Keats”) and Finningham Limited (“Finningham”); and in particular -
  - (a) whether or not the Plaintiff is bound to comply with directions dated 25<sup>th</sup> July 2006, which were sent to the Plaintiff on about 27<sup>th</sup> July 2006 by the 8th to 10th Defendants claiming to be members of the Management Committee of the Gamal Trust, to take the steps to liquidate Finningham mentioned in those directions; and
  - (b) whether or not the 8th to 10th Defendants are the duly appointed members of the Management Committee of the Gamal Trust;
2. an Interim Order of the Court to the effect that, pending the determination of the issues arising under paragraph 1 above, the Plaintiff, as Trustee of the two abovementioned Trusts, shall not take any steps to wind up Keats and Finningham without the further Order of the Court;
3. such Representation Orders as the Court may think fit, including Orders that the 5th and 6th and 7th Defendants (or such other persons as the Court shall determine) shall represent such of the other persons who are or may become interested under the abovementioned Trusts, as well as the 6 Sub-Trusts which are known as the Baitiquiri and Rocio Trusts Number Three, Four and Five and mentioned in the Gamal Trust and the Walls Number Four Trust respectively, and who are not parties to this Originating Summons;

4. an Order making provision for the costs of this application to be paid out of the trust funds or otherwise as the Court may direct; and
5. such further or other relief as the Court may think fit.

Dated the 1<sup>st</sup> day of September 2006

Ritch & Conolly.  
RITCH & CONOLLY  
Attorneys for the Plaintiff

If the Defendants do not acknowledge service, judgement may be given, or made against, or in relation to them, as the Court may think just and expedient.

**NOTE:** This Originating Summons may not be served later than 4 calendar months (or if leave is required to effect Notice out of the jurisdiction, 6 months) beginning with that date, unless renewed by Order of the Court.

**IMPORTANT:** Directions for acknowledgement of service are given with the accompanying forms.

This Originating Summons was issued by Rich & Conolly on behalf of the Plaintiff whose address for service is P.O. Box 1994GT, Queensgate House, 113 South Church Street, George Town, Grand Cayman KY1-1104, Cayman Islands, B.W.I.

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**BETWEEN:**

**HSBC INTERNATIONAL TRUSTEE LIMITED**

**Plaintiff**

**and**

- (1) ELENA GOMEZ DEL CAMPO DE LINDZON
- (2) MARIANA PESSINO DE QUIRCH
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- (10) RAUL VALDES-FAULLI
- (11) JOSEPH A FIELD
- (12) JAY MCDOWELL

**Defendants**

**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.

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

yes  no

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**Please complete overleaf**

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.

Ritch & Conolly  
P.O. Box 1994 GT  
Grand Cayman KY1-1104  
Cayman Islands  
B.W.I.  
  
Tel: (345) 949 7366  
Fax: (345) 949 8652  
E-mail: [cbridges@rc.com.ky](mailto:cbridges@rc.com.ky)  
  
Ref: CJB/9806

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

**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.