

IN THE GRAND COURT OF THE CAYMAN ISLANDS

90254

CAUSE NO: OF 2008

IN THE MATTER OF SECTION 11 OF THE ARBITRATION LAW (2001 REVISION)

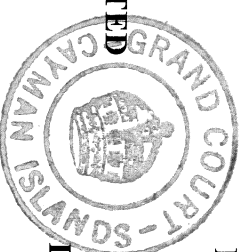
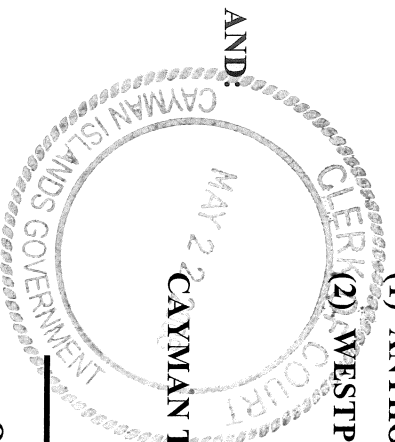
BETWEEN:

(1) ANTHONY R. EBANKS T/A TECH SERV
(2) WESTPOINT CONSTRUCTION LTD.

Plaintiffs

CAYMAN TURTLE FARM (1983) LIMITED

Defendant



ORIGINATING SUMMONS

LET THE DEFENDANT, of PO Box 645 GT, Goat Rock, West Bay, Grand Cayman, Cayman Islands, attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the day of 2008, at o'clock on the hearing of an application by the Plaintiffs, Anthony R. Ebanks T/A Tech Serv, of PO Box 31383 SMB, Grand Cayman KY1-1206, Cayman Islands, and WestPoint Construction Ltd., of PO Box 10638 APO, Grand Pavilion, West Bay, Grand Cayman, Cayman Islands, that:

1. Pursuant to clause 27(1) of the contracts between the First Plaintiff and the Defendant dated February 2005 and April 2005 as varied or amended from time to time (the "Tech Serv Contracts") and Section 11 of the Arbitration Law (2001 Revision), Mr. Andrew Jones QC be appointed as arbitrator for the final determination of the disputes or differences that have arisen between the First Plaintiff and the Defendant under or in connection with the Tech Serv Contracts;
2. Pursuant to clause 27(1) of the contract between the Second Plaintiff and the Defendant dated October 2004 (the "WestPoint Contract") and Section 11 of the Arbitration Law (2001 Revision), Mr. Andrew Jones QC be appointed as arbitrator for the final determination of the disputes or differences that have arisen between the Second Plaintiff and the Defendant under or in connection with the WestPoint Contract;
3. The Defendant pay the Plaintiffs' costs of and incidental to this Originating Summons;
4. Such further or other relief as the Court deems fit.

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 the 22nd day of May 2008.

Solomon Harris
SOLOMON HARRIS
ATTORNEYS-AT-LAW FOR THE PLAINTIFFS

NOTES:-

- (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 the above date unless renewed by order of the Court.
- (2) If a 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.

THIS ORIGINATING SUMMONS was **ISSUED** by **SOLOMON HARRIS** of 3rd Floor, First Caribbean House, P.O. Box 1990, Grand Cayman, KY1-1104, Cayman Islands, Attorneys-At-Law for and on behalf of the Plaintiffs whose address for service is that of its said Attorneys-At-Law.

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**IN THE MATTER OF SECTION 11 OF THE ARBITRATION LAW (2001 REVISION)
BETWEEN:**

- (1) ANTHONY R. EBANKS T/A TECH SERV**
- (2) WESTPOINT CONSTRUCTION LTD.**

Plaintiffs

AND:

CAYMAN TURTLE FARM (1983) LIMITED

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.

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

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.

Please complete overleaf

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

Solomon Harris
P.O. Box 1990
3rd Floor, First Caribbean House
Grand Cayman KY1-1104
Cayman Islands
Ref: CP
Tel: 949-0488

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

**DIRECTIONS FOR ACKNOWLEDGEMENT 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 495, Grand Cayman KY1-1106, Cayman Islands.

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 Originating 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 authorized 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.