

IN THE GRAND COURT OF THE CAYMAN ISLANDS
BETWEEN:

CAUSE NO: *G 484* OF 2008

(1) MARIKA LEMOS
(2) PANDELIS LEMOS

Plaintiffs



AND

CIBC BANK AND TRUST COMPANY (CAYMAN) LIMITED

Defendant

WRIT OF SUMMONS

TO: CIBC Bank and Trust Company (Cayman) Limited of Box 694, 11 Dr Roy's Drive,
Grand Cayman KY1-1107.

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, P.O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgment 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 Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this *14th* day of *October* 2008.

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 Acknowledgment of Service are given with the accompanying form.

GENERAL INDORSEMENT

The Plaintiff claims against the Defendant as sole Trustee of the settlement known as "the Panmar Trust" established by the Defendant by a Declaration of Trust dated 17th January 2000 ("the Trust") in respect of –

(A) the Defendant's sale on or about 18th October 2002 in breach of trust constituting *inter alia* (and without prejudice to the generality of the foregoing allegation) wilful default of its duties as trustee and/or wilful misconduct as trustee, negligently, and/or generally in breach of duty of the Panamax bulk carrier known as the *Oinoussian Seaman*, and

(B) the Defendant's acquisition by way of investment on behalf of the Trust on a date unknown to the Plaintiffs of shares in Enron and their subsequent retention in each case in breach of trust, constituting *inter alia* (and without prejudice to the generality of the foregoing) wilful default of its duties as trustee and/or wilful misconduct as trustee, negligently, and/or generally in breach of duty,

the following relief:

1. all proper accounts and inquiries necessary to determine the loss suffered by the Trust as a result of the Defendant's aforesaid breaches of duty;
2. payment to the Trust of all sums found due pursuant to paragraph 1 above;
3. damages for negligence and/or breach of trust and/or wilful default as trustee and/or wilful misconduct as trustee and/or breach of duty generally;
4. interest on the foregoing sums for such period and at such rate as the Court may think just;
5. further or other relief;
6. interest;
7. costs.

Maitland

MAITLAND

THIS WRIT was issued by Maitland, attorneys at law for the Plaintiffs, whose address for service is care of their attorneys, PO Box 1034, 4th Floor, Harbour Place, Grand Cayman KY1-1102.