

IN THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CAUSE NO FSD: 0058 OF 2012

BETWEEN: (1) CESAR HOTELCO (CAYMAN) LTD.
(2) CESAR PROPERTIES LTD.
(3) CONDOCO GRAND CAYMAN RESORT LTD.
(4) CONDOCO PROPERTIES LTD.
(5) ENDLESS SERVICE LTD.

\$15000

144721

Plaintiffs

AND

(1) MICHAEL RYAN
(2) ORION DEVELOPERS LTD.
(3) DECKHOUSES CONSTRUCTION COMPANY LTD.
(4) I.R.R. LIMITED
(5) ENDLESS SERVICE MANAGEMENT LTD.
(6) BLUETIP WATERSPORTS LTD.

Defendants



WRIT OF SUMMONS



TO: (1) MICHAEL RYAN - Grand Cayman , Cayman Islands
(2) ORION DEVELOPERS LTD. - Maples Corporate Services Limited, PO Box 309, Ugland House, George Town Grand Cayman, Cayman Islands
(3) DECKHOUSES CONSTRUCTION COMPANY LTD.- Maples Corporate Services Limited, PO Box 309, Ugland House, George Town Grand Cayman, Cayman Islands
(4) I.R.R. LIMITED - Appleby Trust (Cayman) Limited. PO Box 1350, 75 Fort Street, George Town, Grand Cayman, Cayman Islands
(5) ENDLESS SERVICE MANAGEMENT LTD. - Appleby Trust (Cayman) Limited. PO Box 1350, 75 Fort Street, George Town, Grand Cayman, Cayman Islands
(6) BLUETIP WATERSPORTS LTD. - Maples Corporate Services Limited, PO Box 309, Ugland House, George Town Grand Cayman, Cayman Islands

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 fourteen days [14] 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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 10th day of April 2012

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.

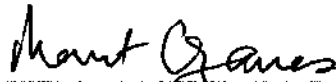
GENERAL INDORSEMENT

The Plaintiffs claim:

1. Against the First Defendant:
 - 1.1 Damages and/or compensation for breach of fiduciary and/or related and or/similar duties owed to each of the Plaintiffs;
 - 1.2 Declarations that the First Defendant has, in breach of his fiduciary and/or related and or/similar duties to the Plaintiffs, received and/or misappropriated sums or property belonging to the Plaintiffs (or of one or more of them), and has paid or transferred such sums or property to or for the benefit of the Second, Third, Fourth, Fifth and/or Sixth Defendants, in all of which the First Defendant has a direct or indirect beneficial interest;
 - 1.3 Orders that the First Defendant do account for such sums and do pay and/or make restitution of such sums or re-transfer such property due to the respective Plaintiffs;
 - 1.4 Restitution of moneys paid by the First Defendant to or for the benefit of the Second, Third, Fourth, Fifth and/or Sixth Defendants in breach of his fiduciary and/or related and or/similar duties to the Plaintiffs and/or for no consideration;
 - 1.5 A declaration that the First Defendant has been unjustly enriched at the expense of the Plaintiffs and an order that he restores to the respective Plaintiffs the value of the sums or property he has, in breach of his fiduciary and/or related and or/similar duties to the Plaintiffs, received or misappropriated, and/or has transferred to or for the benefit of the Second, Third, Fourth, Fifth and/or Sixth Defendants;
 - 1.6 Interest under section 34 of the Judicature Law (2007 Revision), or alternatively pursuant to the Court's equitable jurisdiction;
 - 1.7 Further or other relief;
 - 1.8 Costs.
2. Against the Second, Third, Fourth, Fifth and Sixth Defendants, and each of them:
 - 2.1 Declarations that (a) the Second, Third, Fourth, Fifth and/or Sixth Defendants have received sums or property belonging to the Plaintiffs (or one or more of them) knowing that they were paid or transferred by the First Defendant by reason of his breaches of fiduciary or related or similar duties to the Plaintiffs

(or one or more of them) and (b) that such sums or property are subject to a trust in favour of one or more of the Plaintiffs;

- 2.2 Orders that the Second, Third, Fourth, Fifth and/or Sixth Defendants do account for such sums or property or do pay and make restitution of such sums or property paid or transferred to them or for their respective benefit, or the proceeds of such sums or property, to the respective Plaintiffs;
- 2.3 Declarations that the Plaintiffs are individually entitled to trace their respective property (in law and/or in equity) into the hands of the Second, Third, Fourth, Fifth and/or Sixth Defendants respectively and that these Defendants do repay and/or make restitution of such property to the respective Plaintiffs;
- 2.4 Restitution of property of the respective Plaintiffs paid or transferred by the First Defendant to or for the benefit of each of the Second, Third, Fourth, Fifth and/or Sixth Defendants in breach of his fiduciary or related or similar duties and/or for no consideration;
- 2.5 Declarations that each of the Second, Third, Fourth, Fifth and/or Sixth Defendants has been unjustly enriched at the expense of one or more of the Plaintiffs and that each such Defendant restore to the respective Plaintiffs the value of the sums or re-transfer such property it has received;
- 2.6 Interest under section 34 of the Judicature Law (2007 Revision) or alternatively pursuant to the Court's equitable jurisdiction;
- 2.7 Further or other relief;
- 2.8 Costs.



MOURANT OZANNES
Attorneys for the Plaintiffs

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS

1. 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

2. A Defendant who states in his Acknowledgment 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 "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 Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, 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

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 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 his 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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FINANCIAL SERVICES DIVISION

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(2) CESAR PROPERTIES LTD.
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Plaintiffs

AND (1) MICHAEL RYAN
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(5) ENDLESS SERVICE MANAGEMENT LTD.
(6) BLUETIP WATERSPORTS LTD.

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

(Signed)
[Attorney] for

[Defendant in person]

Address for service:
Please complete overleaf

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.

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

Mourant Ozannes
Attorneys-at-Law
Second Floor, Harbour Centre
P.O. Box 1348
George Town
GRAND CAYMAN, KY1-1108 (ref:
8000486/KEICG/MdFJ/4096214/1)

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