

MAPLES



IN THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CAUSE NO: FSD 0058 OF 2012 (PCJ)

In Chambers
1 June 2012
Before the Honourable Justice Sir Peter Cresswell

BETWEEN:

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

Plaintiffs

AND

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

Defendants

ORDER

UPON the request by the Defendants for a Directions Conference to be convened

AND UPON hearing Counsel for the Plaintiffs and the Defendants

IT IS ORDERED AND DIRECTED THAT:

- 1 The Plaintiffs are to serve, by 8 June 2012, an Amended Statement of Claim, together with Further and Better Particulars pursuant to the Defendants' request dated 24 May 2012, to the extent that the Plaintiffs are able to deliver the same.
- 2 The Defendants are to serve, by 22 June 2012, a Defence and, if so advised, any Counterclaim(s).
- 3 The Plaintiffs are to serve, by 6 July 2012, any Reply and the Defence to any Counterclaim(s).
- 4 Discovery is to be made on a rolling basis, and is to be completed by 20 July 2012.
- 5 A Case Memorandum, to be agreed between the parties as far as practicable and including charts showing the relevant company structure, is to be filed by 22 July 2012.
- 6 A Pre-Trial Review is to be held on 9 or 10 August 2012 (and see also Order 18.5, below).
- 7 Witness statements, and hearsay notices where required, are to be exchanged not later than 10 August 2012. Witness statements are to stand as the evidence in chief of the witness at trial.
- 8 Signed reports of experts:
 - 8.1 Are to be confined to one expert for each party from the accounting field of expertise;
 - 8.2 Are to be exchanged simultaneously; and
 - 8.3 Are to be exchanged not later than 31 August 2012.
- 9 Meeting of experts:
 - 9.1 The meeting of experts is to be by 7 September 2012;
 - 9.2 The joint memorandum of experts is to be completed by 14 September 2012; and
 - 9.3 Short supplemental expert reports are to be exchanged simultaneously by 24 September 2012.



- 10 If the expert reports cannot be agreed, the parties are at liberty to call expert witnesses at the trial, limited to those experts whose reports have been exchanged pursuant to Order 8, above.
- 11 Preparation of trial bundles is to be completed in accordance with the FSD Guide and by not later than 12 October 2012.
- 12 The Plaintiffs are to serve their skeleton argument by 12 October 2012.
- 13 The Defendants are to serve their skeleton argument by 19 October 2012.
- 14 The Plaintiffs are to serve any skeleton argument in reply by 23 October 2012.
- 15 The provisional estimated length of trial is 5 to 8 days. The date of the trial has been fixed for between 29 October and 7 November 2012.
- 16 Save as varied by this Order or further Order, the practice and procedures set out in the FSD Guide are to be followed.
- 17 The parties should use their best endeavours to arrive at suitable arrangements, whether by way of contractual undertakings or undertakings to the Court, to preserve the position before trial.
- 18 With regards to the Plaintiffs' summons of 16 April 2012, to the extent that the Plaintiffs do not withdraw the same:
- 18.1 The Defendants are to serve their evidence in response by 29 June 2012, the Plaintiffs having confirmed that their evidence in support of the summons is complete;
- 18.2 The Plaintiffs are to serve any evidence in reply and their skeleton argument by 20 July 2012;
- 18.3 The Defendants are to serve their skeleton argument by 27 July 2012;
- 18.4 To the extent that the Plaintiffs wish to rely on any reply argument, this must be served by 1 August 2012; and



- 18.5 The hearing of said summons will be listed for 9 and, if necessary, 10 August 2012 and will take place in the Cayman Islands, prior to the Pre-Trial Review referred to above at Order 6.
- 19 Costs of and incidental to the Directions Conference to be costs in the cause.
- 20 Any interlocutory summonses required to be heard prior to the hearing of the Plaintiffs' summons dated 16 April 2012 and the Pre-Trial Review will be dealt with by the Court by telephone conference or video conference on dates to be fixed in June or July 2012.
- 21 Liberty to restore the Directions Conference.

DATED this 1st day of June 2012

FILED this 7th day of June 2012


The Honourable Justice Crosswell
Judge of the Grand Court



THIS ORDER was filed by Maples and Calder, attorneys for the Defendants, whose address for service is PO Box 309, Umland House, Grand Cayman, KY1-1104, Cayman Islands. (Ref: MWI/VJL/23710494).

Approved as to form and content:

Mourant Ozannes
Mourant Ozannes
Attorneys for the Plaintiffs

Approved as to form and content:

Maples and Calder
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Attorneys for the Defendants

