E GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

CAUSE NO: FSD OF 2026 ( )

BETWEEN:

ERMINIA MANSO STIVELMAN OLIVEIRA DE SOUSA
PLAINTIFF

AND:

(1) GIORGIO SUBIOTTO AS EXECUTOR OF THE ESTATE OF MICHAEL STIVELMAN
(2) JAMES BERGSTROM AS EXECUTOR OF THE ESTATE OF MICHAEL STIVELMAN
(3) JACQUES CLÁUDIO STIVELMAN
(4) EDUARDO STIVELMAN
(5) MIRAPLAN ASSET MANAGEMENT LTD
(6) MIRAPLAN CONSULTING LTD
(7) MIRAPLAN INTERNATIONAL FUND LTD
(8) RMS INVESTMENTS LTD
(9) TRADEX INVESTMENTS LTD
(10) OGIER GLOBAL (CAYMAN) LIMITED

DEFENDANTS

WRIT OF SUMMONS

TO: GIORGIO SUBIOTTO
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OGIER GLOBAL (CAYMAN) LIMITED
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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 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 5th day of July 2026.

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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CAUSE NO. FSD NO. OF 2026 ( )

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(10) OGIER GLOBAL (CAYMAN) LIMITED

DEFENDANTS

STATEMENT OF CLAIM

A. The Claim and the Parties

1. The Plaintiff's claim seeks orders for the restoration of assets wrongly transferred by the First and Second Defendants to the Third and Fourth Defendants pursuant to a Grant of Probate made to the First and Second Defendants in Cause No. P132 of 2024 (the **Grant of Probate**) in the estate of Michael Stivelman, deceased, for an account against the First, Second, Third and Fourth Defendants and for further declaratory, injunctive and ancillary relief.

2. The Plaintiff is a national of and is resident in Brazil. The Plaintiff is the biological daughter of Michael Stivelman who died on 19 February 2024 in Rio de Janeiro, Brazil where he was domiciled.

3. By operation of the forced heirship rules under Brazilian law, applicable in the Cayman Islands by virtue of the Cayman Islands' conflict rules, the Plaintiff is a descendant and one of the necessary heirs (as defined below) of Michael Stivelman. The Plaintiff is entitled under Brazilian law to rights of succession to a portion of the estate of Michael Stivelman. The Plaintiff therefore has standing to make this claim and to seek the relief sought herein.

4. The First and Second Defendants are sued in their capacity as the executors of the estate of Michael Stivelman pursuant to the terms of a purported Cayman Islands will dated 29 June 2015 (the **2015 Cayman Will**) and the Grant of Probate.

5. The Third and Fourth Defendants are biological sons of Michael Stivelman and are also necessary heirs of Michael Stivelman under Brazilian law.

6. The Fifth, Sixth, Seventh, Eighth, and Ninth Defendants are all companies registered in the Cayman Islands. The Plaintiff has reasonable grounds to believe that Michael Stivelman, prior to, or at the time of his death, owned or was beneficially entitled to shares in each of the Fifth, Sixth, Seventh and Eighth, and Ninth Defendants (the **Stivelman Cayman Companies**) which, as a matter of Brazilian law, constitute part of the property of Michael Stivelman to which the Plaintiff has a right of succession.

7. The Tenth Defendant is the registered office provider to each of the Stivelman Cayman Companies and is made a party to these proceedings solely for the purpose of providing discovery of documents in the registered office of each of the Stivelman Cayman Companies and to give effect to ancillary relief granted against the Stivelman Cayman Companies.

B. The applicable Cayman Islands conflict rules

8. Under the applicable Cayman Islands conflict rules, the distribution of and succession to movable property of a deceased person is governed by the law of the country in which that deceased person was domiciled at the time of his or her death, including the conflict of laws rules under such law. That law also decides what constitutes the last will of the deceased and whether and to what extent such will is valid.

9. The shares in the Stivelman Cayman Companies are movable property under Cayman Islands law.

C. The applicable principles under Brazilian law

The rules regarding jurisdiction and applicable law

10. Under the Brazilian conflict rules, whereas Brazilian courts have exclusive jurisdiction over the administration and distribution of property located within Brazilian territory, the courts of Brazil have no jurisdiction over the property of a deceased which is situated outside of Brazil. Brazilian law regards the shares in a foreign corporation as being situated in the jurisdiction in which that foreign corporation is incorporated.

11. Property located outside Brazil is subject to the jurisdiction in which such property is located. Consequently, under Brazilian law, the rights to the shares in the Stivelman Cayman Companies are to be determined by the Cayman Islands courts applying the applicable Cayman Islands conflict rules.

The rules as to forced heirship

12. Under Brazilian law, succession takes two principal forms: '*legitimate succession*' and '*testamentary succession*'. Legitimate succession is based on the statutory order of inheritance and applies to family members of the deceased, referred to as '*legitimate heirs*', who are entitled to inherit the property of the deceased, regardless of whether the deceased made a valid will. Testamentary succession is based on the expressed wishes of the deceased as set out in a valid will and applies exclusively to the individuals and property specifically designated in the will.

13. Legitimate succession devolves according to the following order of preference:

(a) descendants, together with the surviving spouse of the deceased;

(b) in the absence of descendants, the parents of the deceased together with the surviving spouse;

(c) in the absence of both descendants and parents, the surviving spouse;

(d) in the absence of descendants, parents and surviving spouse, the siblings of the deceased;

(e) in the absence of descendants, parents, surviving spouse and siblings, the children of the siblings of the deceased, and if there are none, the uncles of the deceased.

14. Subject to the law relating to exclusion from succession (explained below), the descendants, surviving spouses and parents of a deceased, classified as '*necessary heirs*', may not be bypassed through testamentary disposition, and are together entitled, as a matter of right, to receive at least 50% of the estate, known under Brazilian law as the '*forced heirship*'.

15. Accordingly, a deceased who is survived by necessary heirs, may only freely dispose of up to 50% of their estate by will. If the deceased is survived by necessary heirs and the provisions of the will exceed 50% of the estate of the deceased, Brazilian law mandates a reduction of the will's provisions to the extent necessary to preserve the forced heirship. If the will disposes of less than 50% of the total estate of the deceased, the portion not disposed of in the will is automatically allocated to the legitimate heirs in accordance with the rules of succession.

16. The Brazilian forced heirship regime applies not only to testamentary dispositions, but also to *inter vivos* donations. All *inter vivos* donations made to descendants are presumed to constitute advancements of their forced heirship share. Any *inter vivos* donation to a descendant that exceeds the portion of the estate which the donor could have freely disposed of by will at the time of the donation was made is deemed null and void to the extent of the excess. All *inter vivos* donations made by the deceased to descendants must be returned to the estate to ensure the equitable distribution of the forced heirship among all necessary heirs.

The inheritance rights of descendants

17. As mandated by the order of succession set out above, if there is no surviving spouse, the forced heirship is divided equally among the children of the deceased. All children of the deceased enjoy equal legal status under the forced heirship rules regardless of biological connection or the civil status of the parents. As such, the children of the deceased born out of wedlock are entitled to the same rights of inheritance as the children of the deceased born in wedlock.

18. Where any child of the deceased predeceased the deceased, the children of that deceased child inherit the portion to which the deceased child would have been entitled if still alive.

Exclusion from succession

19. Under Brazilian law, a necessary heir may only be excluded from succession through two distinct legal mechanisms: unworthiness ('*indignidade*') and disinheritance ('*deserdação*'). The consequence of a lawful exclusion is that the excluded individual is barred from participating in the succession of the deceased.

20. Unworthiness is a legal sanction established by the Brazilian Civil Code and applied to individuals who have engaged in conduct deemed incompatible with the moral and legal principles of the Brazilian legal system. Disinheritance is a sanction which requires the express will of the testator through a valid will and applies exclusively to necessary heirs.

21. Pursuant to Article 1,814 of the Brazilian Civil Code, the following grounds constitute grounds for both unworthiness and disinheritance:

(a) those who have authored, co-authored, or participated in the intentional homicide, or attempted intentional homicide, against the deceased, the spouse, partner, ascendant or descendant of the deceased;

(b) those who have maliciously accused the deceased in court or committed a crime against the honour of the deceased or the spouse or partner of the deceased; and

(c) those who, by violence or fraudulent means, have prevented or hindered the deceased from freely disposing of their assets by an act of last will.

22. Pursuant to Article 1,962 of the Brazilian Civil Code, additional grounds which apply specifically to disinheritance of a descendant are: physical aggression or grave insult to the testator; the maintenance of illicit relations with a stepparent; or failure to provide care and assistance to a parent suffering from mental incapacity or serious illness. In order to take effect, exclusion by either

unworthiness or disinheritance, must be confirmed by the judgment of a competent court.

23. If a descendant is effectively excluded from succession by either unworthiness or disinheritance, the descendants of an excluded individual inherit the excluded individual's share of the forced heirship as if the excluded heir had predeceased the opening of the succession.

24. The burden of proving the cause for disinheritance expressly stated in the will lies on those who stand to benefit from disinheritance, whether by receiving an increased share of the estate, or by succeeding to the portion that would have passed to the disinherited heir.

D. **Historical and family background**

25. Michael Stivelman was born in Romania in 1928 and moved to Brazil after the end of World War II. He was a survivor of the Holocaust and the Transnistria death marches in Romania. In Brazil, he overcame those early adversities in life to become a very successful, economist, banker and businessman.

26. Michael Stivelman was married to Raquel Stivelman. The marriage between Michael and Raquel Stivelman produced two sons: Jacques Cláudio Stivelman, the Third Defendant, born on 1 November 1955; and Eduardo Stivelman, the Fourth Defendant, born on 2 May 1961.

27. The Plaintiff was born on 26 December 1971 and was the product of a longstanding extra-marital affair between Michael Stivelman and the Plaintiff's mother. The Plaintiff became aware of the fact that Michael Stivelman could be her biological father by, at latest, 2014. In 2019, the Plaintiff instituted a claim in the 12th Family Court of the Rio de Janeiro State Court against Michael Stivelman to obtain recognition of her paternity. In the proceedings Michael Stivelman denied that he was the Plaintiff's biological father.

28. By a ruling made on 20 June 2021 (the **Paternity Ruling**), the 12th Family Court of Rio de Janeiro determined that the Plaintiff is the biological daughter of Michael Stivelman and directed that the Plaintiff would thereafter take Michael Stivelman's surname and should from that time go by the name Erminia Manso Stivelman Oliveira de Souza. The 12th Family Court of Rio de Janeiro also recognised that the Plaintiff's paternal grandparents are Michael Stivelman's parents, Jacob Stivelman and Riva Stivelman. As no appeal was filed, the Paternity Ruling became final on 2 September 2021.

29. Michael Stivelman then brought a petition before the Family Court of the Capital Judicial District, State of Rio de Janeiro on 26 June 2023 (the **Patrimonial Proceedings**). The Patrimonial Proceedings sought to exclude or limit any patrimonial effects arising from the Paternity Ruling by distinguishing between the right to know one's biological origin and a legal declaration of paternity. The Patrimonial Proceedings were dismissed on 12 January 2024 without judgment on the merits.

30. Michael Stivelman appealed the Patrimonial Proceedings and argued that '*there is no economic effect arising from the recognition of genetic and biological origin*' as determined in the Paternity Ruling.

31. The 10th Civil Chamber rejected Michael Stivelman's appeal and confirmed that the Paternity Ruling was final and unappealable. The judgment stated "*the fact remains that paternity has been established by a final and unappealable judgment, and the legal effects outlined in the cited legal provisions apply*".

32. The Plaintiff has two daughters, namely Clarice Manso Stivelman Oliveira de Sousa, born 26 January 2006, and Elisa Manso Stivelman Oliveira de Sousa, born 28 June 2011.

33. Michael Stivelman died on 19 February 2024. He was predeceased by his parents and had no surviving spouse, his wife Raquel having predeceased him on 16 June 2021.

34. Consequently, as a matter of Brazilian law, the legitimate heirs of Michael Stivelman are: the Plaintiff, the Third Defendant, and the Fourth Defendant, each being entitled to an equal share in the portion of Michael Stivelman's estate which devolves by forced heirship.

E. The 2015 Cayman Will

35. The 2015 Cayman Will is dated 29 June 2015. It states that it is Michael Stivelman's '*last will disposing of my assets in the Cayman Islands.*' It confirmed that Michael Stivelman was domiciled in Brazil. It names as the executors and trustees, two of '*the partners at the date of my death in the firm of Ogier 89 Nexus Way, Camana Bay, Grand Cayman … Cayman Islands…*'.

36. The 2015 Cayman Will directed the executors and trustees to hold Michael Stivelman's estate upon trust, after paying his debts in the Cayman Islands, and any funeral and testamentary expenses incurred in the Cayman Islands, to be divided into four shares:

(a) as to two shares for his wife Raquel;

(b) as to one share for his son, Eduardo Silverman; and

(c) as to the remaining one share to his son, Jacques Cláudio Stivelman.

As stated previously in this Statement of Claim, Michaels Stivelman's wife, Raquel Stivelman, predeceased Michael Stivelman on 16 June 2021.

The application for the Grant of Probate

37. By an application filed on 17 July 2024, the First and Second Defendants, both Partners of Ogier at the time of the application, applied for a grant of probate of the 2015 Cayman Will. The application was supported by an affidavit sworn by both the First Defendant and the Second Defendant on 17 July 2024, and an affidavit of foreign law sworn on 19 June 2024 by Alessandra Rugai Bastos, of Sao Paolo, Brazil, a legal practitioner entitled to practise law in Brazil.

38. The First and Second Defendants' affidavit exhibited an English translation of a copy of the death certificate of Michael Stivelman. The death certificate falsely lists as the children of Michael Stivelman, only the Third Defendant and the Fourth Defendant, without naming the Plaintiff as one of the children of Michael Stivelman.

39. The affidavit of foreign law failed to address any of the principles of Brazil law relating to forced heirship, and whether, in accordance with the application of those principles, the 2015 Cayman Will is materially and essentially valid. The affidavit of foreign law addresses the singular question of whether the role of an executor is recognised in Brazil.

40. Probate of the 2015 Cayman Will was granted to the First and Second Defendants on 13 September 2024.

F. Michael Stivelman's 2023 Will

41. On 21 December 2023, in Rio de Janeiro, Brazil, Michael Stivelman made a will which he declared to be his '*last will and testament expressly revoking any previous wills or codicils*' (the **2023 Will**). The 2023 Will appoints the Third Defendant and/or the Fourth Defendant as executors and administrators of the estate.

42. The 2023 Will acknowledged that the Plaintiff is the daughter of Michael Stivelman but purports to disinherit the Plaintiff entirely, allegedly '*for serious injury …*

depriving her of her rightful inheritance and excluding her from succession due to alleged anti-Semitism, specifically accusing the testator of religious discrimination…'.

43. The December 2023 Will makes the allegation of anti-Semitism entirely on the basis of a statement made by the Plaintiff's lawyers in proceedings filed by the Plaintiff for the advanced production of evidence and urgent relief before the 40th Civil Court of the Capital District on 12 September 2023 (the **Evidence Proceedings**). The statement was made by the Plaintiff's lawyers in the Evidence Proceedings positing a possible explanation for Michael Stivelman favoring the Third and Fourth Defendant over the Plaintiff.

44. The 2023 Will purports to bequeath the entirety of Michael Stivelman's '*available assets – real estate, movable property, livestock and tangible and intangible assets … or any assets of any nature whatsoever, wherever located…*' to the Third Defendant and the Fourth Defendant.

G. Michael Stivelman's property in Brazil

45. Michael Stivelman was a shareholder, director and president of Banco Cédula S.A. (**Banco Cédula**), a full-service commercial bank which he founded in Rio de Janeiro in the 1960s. Banco Cédula was the primary source of Michael Stiveman's and the Stivelman family wealth. In his 2018 autobiography, *Sobreviver é Viver*, Michael Stivelman states that the assets of Banco Cédula had already reached 1 billion Brazilian Reals (**BRL**) in assets by the 1970s.

46. In addition to his interest in Banco Cédula, Michael Stivelman acquired other significant interests in Brazil, including, but not limited to:

    (a) Tradex Consultoria Participações E Investimentos LTDA (**Tradex Brazil**), which serves as a holding company for one of the largest portfolios of real estate in Brazil, stocks and other financial assets;

(b) RMS IncorporaIções E Empreendimentos Araguaia 1111 SPE LTDA (**RMS Brazil**), a special purpose entity that owns or owned, or has interests in significant real estate developments in the Jacarepaguá neighborhood in Rio de Janeiro; and

(c) multiple real property assets in Brazil.

47. Michael Stivelman was referred to in a number of specialised and reputable publications in Brazil as a Brazilian billionaire with a net worth in excess of BRL 1 billion.

H. *Inter vivos* donations by Michael Stivelman to the Third and Fourth Defendants

48. Prior to his death, and particularly since the Plaintiff first attempted to contact Michael Stivelman by phone in 2016, Michael Stivelman commenced a process of transferring his assets to the Third and Fourth Defendants for no consideration.

49. The transfers include, but are not limited to, the following:

(i) In 2016, Michael Stivelman donated all of his shares in Tradex Brazil to the Third and Fourth Defendants and, since 2020, full ownership of Tradex Brazil was consolidated in favour of the Third and Fourth Defendants.

(ii) On 17 October 2019, Michael Stivelman donated the apartment in which he resided, located on Avenue Delfim Moreira 1.188, Apt. 401 in Rio de Janeiro, with an estimated value of BRL 45,000,000, to the Third and Fourth Defendants.

(iii) Whist the paternity investigation was ongoing, Michael Stivelman procured the transfer of several real estate assets owned by Banco Cédula to Tradex Brazil, the shares of Tradex Brazil now being owned by the Third and Fourth Defendants.

(iv) Between 2023 and 2024, Michael Stivelman caused the beneficial ownership and control of Banco Cédula to be transferred from himself to the Third and Fourth Defendants.

(v) Between 2019 and 2024, Michael Stivelman effectively donated his interest in RMS Brazil to the Third and Fourth Defendants through the donation of his shares in Tradex Brazil to the Third and Fourth Defendants. Tradex Brazil owns a significant majority of the shares in RMS Brazil, with only a small minority of the shares registered in the name of Michael Stivelman.

50. As a direct consequence of the multiple transfers of property from Michael Stivelman to the Third and Fourth Defendants, by an order made on 6 March 2024, the 25th Civil Court of the Capital District of Rio de Janeiro, Brazil granted an urgent preliminary injunction to the Plaintiff against the Third Defendant, the Fourth Defendant and Banco Cédula, freezing all transfers of shares in Tradex Brazil and its associated real estate; all transfers of shares in Banco Cédula; and a number of real estate properties owned by Michael Stivelman. The First Chamber of Private Law of the Court of Justice of the State of Rio De Janeiro rejected an interlocutory appeal filed by the Third and Fourth Defendants in a decision on 9 July 2024. The decision of the First Chamber of Private Law was expressly stated to be based in part on the Third and Fourth Defendant having assets abroad, including in the Cayman Islands, which was said to highlight the risk of jeopardizing the interests of the Plaintiff.

51. In a subsequent decision dated 12 March 2025, the 25th Civil Court of the Capital partially lifted the injunction specifically in relation to the shares of Banco Cédula, specifically to allow a sale by its board of directors. On 13 January 2026, these proceedings were dismissed on jurisdictional grounds with no decision on the merits and the preliminary injunction has been removed while other related proceedings are ongoing. The Plaintiff has filed an appeal of this decision.

I. <u>The Stivelman Cayman Companies</u>

52. The First Defendant and the Second Defendant filed an inventory (the **Inventory**) in Cause No. PA 0132 of 2024 on 17 July 2024. The Inventory lists as the only property owned by Michael Stivelman in the Cayman Islands, 1 ordinary share in Miraplan Asset Management Ltd, valued at approximately KYD$200,000.

53. According to the Cayman Islands General Registry, Michael Stivelman and/or the Third Defendant and/or the Fourth Defendant are shown as directors of four active companies registered in the Cayman Islands, namely:

(i) Miraplan Asset Management Ltd, registration number 253947 **(Miraplan Asset Management**), with its registered office at Ogier Global (Cayman) Limited, 89 Nexus Way, Camana Bay, Grand Cayman (**Ogier Global (Cayman)**). At 6 August 2024, the directors of Miraplan Asset Management were Eduardo Stivelman and Michael Stivelman. The directors are currently Eduardo Stivelman only.

(ii) Miraplan International Fund Ltd, registration number 253945 (**Miraplan International Fund**), with its registered office at Ogier Global (Cayman). At 9 August 2024, the directors of Miraplan International Fund were Eduardo Stivelman and Michael Stivelman. Eduardo Stivelman is currently the only direcctor.

(iii) Miraplan Consulting Ltd., registration number 253946 (**MiraPlan Consulting**), with its registered office at Ogier Global (Cayman). At 9 August 2024, the directors of Miraplan Consulting were Eduardo Stivelman and Michael Stiveman. Eduardo Stivelman is currently the only director.

(iv) RMS Investment Ltd, registration number 86539 (**RMS Cayman**), with its registered office at Ogier Global (Cayman). The directors of RMS Cayman are listed as Eduardo Stivelman and Jacques Cláudio Stivelman; and

(v) Tradex Investments Ltd, registration number 85453 (**Tradex Cayman**), with its registered office at Ogier Global (Cayman). At 19 August 2024, the directors of Tradex Cayman were listed as Eduardo Stivelman, Jacques Cláudio Stivelman, Michael Stivelman and Raquel Stivelman. The directors are currently Eduardo Stivelman and Jacques Cláudio Stivelman.

54. It is significant that two of the companies, RMS Cayman and Tradex Cayman, have names which are derivatives of the names of companies in Brazil owned by Michael Stivelman during his lifetime. No information regarding the legal or beneficial ownership of any of the five Stivelman Cayman Companies is available to the public from a general public search. It is highly probable that Michael Stivelman had a legal or beneficial interest in each of the Stivelman Cayman Companies. The fact that the First and Second Defendants did not list in the Inventory, as property owned by Michael Stivelman at the time of his death, shares in any of the Stivelman Cayman Companies, apart from the single share in Stivelman Asset Management, gives rise to the inference that Michael Stivelman transferred any shares that he owned in the Stivelman Cayman Companies prior to his death.

J. Ongoing court proceedings in Brazil

The Brazil Probate Proceedings

55. On 27 February 2024, the Fourth Defendant commenced probate proceedings in the 1st Orphans and Probate Court of the Judicial District of the Capital of the State of Rio de Janeiro for the opening, registration and implementation of Michael Stivelman's 2023 Will (case number 0821108-10.2024.8.19.000). Under Brazilian law, those proceedings are limited to determining whether the will complies with the formal legal requirements for validity and do not involve any examination of the substantive validity or enforceability of its provisions. On 2 December 2024,

the Court held that the will satisfied those formal requirements and ordered its registration and implementation.

56. On 29 July 2024, the Fourth Defendant, as executor of the estate of Michael Stivelman, filed in the 1st Probate and Succession Court of the Rio de Janeiro State Court '*Initial Statements*' (the **Brazil Inventory**) of the property which the Fourth Defendant asserts constitute the assets of the estate of Michael Stivelman. These filings constitute the commencement of the probate proceedings in Brazil in the estate of Michael Stivelman (the **Brazil Probate Proceedings**). The Brazil Inventory lists only assets situated in Brazil.

57. On 27 November 2024, the Plaintiff filed an opposition to the Brazil Inventory. The Plaintiff in her opposition asserts that the Fourth Defendant submitted a false death certificate which omitted the Plaintiff as a descendant of Michael Stivelman, after the Plaintiff's paternity was approved by the 12th Family Court of the Rio de Janeiro State Court. The Plaintiff also asserts that the Brazil Inventory is incomplete as it fails to set out properties owned by Michael Stivelman situated outside Brazil, which are required by Brazilian law to be accounted for in order to equalise the shares of each heir.

58. The Brazil Probate Proceedings are ongoing and will not be finalised until the questions raised regarding the validity of the disinheritance clause in the 2023 Will are determined by the Brazilian courts.

The Donation Avoidance Proceedings

59. On 8 March 2024, the Plaintiff filed a petition in the 25th Civil Court of the Central District of the City of Rio de Janeiro (the **Donation Avoidance Proceedings**) seeking orders that donations made by Michael Stivelman before his death to the Third and Fourth Defendants be set aside as void. The court granted preliminary injunctions restraining the sale of shares in Tradex Brazil and Banco Cédula, as well as the sale of several real estate properties owned by Michael Stivelman.

60. The First Chamber of Private Law of the Court of Justice of the State of Rio De Janeiro rejected an interlocutory appeal filed by the Third and Fourth Defendants in a decision on 9 July 2024.

61. In a subsequent decision dated 12 March 2025, the 25th Civil Court of the Capital District of the State of Rio de Janeiro partially lifted the preliminary injunction against the sale of shares in Banco Cédula but otherwise remains in place.

62. In a later decision on 13 January 2026, the proceedings were dismissed on jurisdictional grounds (ie. with no decision on the merits). This decision also removed the preliminary injunction noting that all assets of Michael Stivelman's estate are unavailable to heirs while the Brazil Probate Proceedings are ongoing. The Plaintiff filed an appeal to this decision on 12 February 2026.

The Disinheritance Proceedings

63. On 29 April 2024, the Third and Fourth Defendants filed proceedings in the 1st Probate and Family Court of the Rio de Janeiro State Court seeking an order that the court judicially declare the disinheritance of the Plaintiff as stated in the 2023 Will (the **Disinheritance Proceedings**).

64. The Plaintiff filed separate proceedings seeking a declaration that there exists no valid legal cause for the disinheritance of the Plaintiff (the **Second Disinheritance Proceedings**).

65. The Disinheritance Proceedings and the Second Disinheritance Proceedings are both ongoing.

The Estate Account Proceedings

66. On 18 December 2024, the Plaintiff filed a petition in the 1st Probate and Family Court (the **Estate Account Proceedings**) seeking an order that the Fourth Defendant, as executor of the estate of Michael Stivelman, render full and detailed

management of the estate assets. The Estate Account Proceedings are still ongoing.

The renewed challenge to the Paternity Ruling

67. On 15 September 2025, the Third and Fourth Defendants filed a petition in the Family Court of the Capital District of the State of Rio de Janeiro seeking an order that the effect of the Paternity Ruling be invalidated.

68. The Third and Fourth Defendants make the same arguments made by Michael Stivelman, which were previously rejected, that the effect of the Paternity Ruling was to declare that the Plaintiff is the biological daughter of Michael Stivelman, and does not constitute a declaration of paternity.

K. <u>The letters before action (LBA)</u>

LBA to the First and Second Defendants

69. By letter dated 26 August 2025, Mourant Ozannes (Cayman) LLP, attorneys-at-law for the Plaintiff, (**Mourant**), wrote a LBA to the First and Second Defendants giving advance notice that they are instructed to institute proceedings in this court seeking the following relief:

(a) a declaration that the 2015 Cayman Will lacks material and essential validity under Cayman Islands law in its application of the law of Brazil;

(b) an order that the Grant of Probate be revoked;

(c) a declaration that all property in the possession or power of the First and Second Defendants, derived from the estate of Michael Stivelman, or received by the First and Second Defendants during Michael Stivelman's lifetime (**Stivelman Cayman Property**), are held by the First and Second Defendants upon resulting trust for the necessary heirs of Michael

Stivelman, including the Plaintiff, in such proportions as determined by the proper application of the forced heirship laws of Brazil;

(d) orders restraining the First and Second Defendants from transferring any Stivelman Cayman Property in their possession or power to any person except with the permission of the Cayman Court; and

(e) orders requiring the First and Second Defendants to make full disclosure regarding any Stivelman Cayman Property of which they have knowledge, and in particular, regarding any Stivelman Cayman Property which formerly was but is no longer in the possession of the First and Second Defendants.

70. The LBA further requested that the First and Second Defendants provide disclosure as follows:

(a) details of all Stivelman Cayman Property in the possession or power of the First and Second Defendants derived from the estate of Michael Stivelman, or received by them from Michael Stivelman during his lifetime, whether such assets were purportedly transferred to them in their capacity as executors of Michael Stivelman's estate or otherwise;

(b) if the First and Second Defendants were previously but are no longer in possession of any Stivelman Cayman Property, details of the names, addresses, description and contact information for all persons who now hold such Stivelman Cayman Property, whether received directly or indirectly from the First and Second Defendants; and

(c) if the First and Second Defendants are aware of the existence of any property owned by Michael Stivelman which was transferred by him to any person for no consideration, or at an undervalue, details of the particulars of such property and particulars of the persons to whom such property was transferred.

71. The LBA required the First and Second Defendants not to transfer or distribute any Stivelman Cayman Property in their possession without first giving notice to Mourant, and also to secure and preserve all Stivelman Cayman Property in their possession, and not to destroy or part with possession of any documents in their possession or power which are relevant to the claims outlined in the LBA.

72. In response to the LBA, by letter dated 24 October 2025, Ogier (Cayman) LLP, attorneys-at-law (**Ogier**), wrote to Mourant on behalf of the First and Second Defendants stating that the First and Second Defendants were taking further local and Brazilian law advice and would be in touch regarding their anticipated next steps. Ogier's letter referred to the 2023 Will and asserted that, as a matter of Brazilian law, the 2023 Will applies to Michael Stivelman's worldwide assets and revokes all previous wills and codicils, including the 2015 Cayman Will.

73. Mourant has received no further correspondence from Ogier, or from, or on behalf of the First and Second Defendants, regarding the First and Second Defendants' proposed next steps in response to the LBA. Further, none of the disclosure requested in the LBA to the First and Second Defendants was provided by the First and Second Defendants.

LBA to the Third and Fourth Defendants

74. By an LBA dated 26 August 2025, Mourant wrote to the Third and Fourth Defendants giving advance notice that they are instructed to institute proceedings in this court seeking the following relief:

(a) a declaration that the 2015 Cayman Will lacks material and essential validity under Cayman Islands law in its application of the law of Brazil;

(b) an order that the Grant of Probate be revoked;

(c) a declaration that all Stivelman Cayman Property in the possession or power of the Third and Fourth Defendants derived from the estate of Michael Stivelman, or received by the Third and Fourth Defendants from Michael Stivelman during his lifetime, are held by the Third and Fourth Defendants upon resulting trust for the necessary heirs of Michael Stivelman, including the Plaintiff, in such proportions as determined by proper application of the forced heirship laws of Brazil;

(d) orders restraining the Third and Fourth Defendants from transferring, disposing of, dealing with or diminishing in value any Stivelman Cayman Property in their possession or power to any person except with the permission of the Cayman Court; and

(e) orders requiring the Third and Fourth Defendants to make full disclosure regarding any Stivelman Cayman Property of which the Third and Fourth Defendants have knowledge, and in particular, regarding Cayman Stivelman Assets which formerly came into but which is no longer in their possession.

75. The LBA further required the Third and Fourth Defendants to provide disclosure as follows:

(a) details of all Stivelman Cayman Property in their possession or power derived from the estate of Michael Stivelman, or received by them from Michael Stivelman during his lifetime, whether such property was purportedly transferred to the Third and/or Fourth Defendants in their capacity as beneficiaries of Michael Stivelman's estate or otherwise;

(b) if the Third and/or Fourth Defendants were previously but are no longer in possession of any Stivelman Cayman Property, details of the names, addresses, description and contact information for all persons who now hold such Stivelman Cayman Property, whether received directly or indirectly from the Third and/or Fourth Defendants; and

(c) if the Third and/or Fourth Defendants are aware of the existence of any Stivelman Cayman Property which was transferred by Michael Stivelman to any person for no consideration or at an undervalue, details of the particulars of such assets and particulars of the persons to whom such assets were transferred.

76. The LBA required the Third and Fourth Defendants not to transfer, dispose of, deal with or diminish in value any Stivelman Cayman Property in their possession or power without first providing advance notice to Mourant. The LBA further required the Third and Fourth Defendants to secure and preserve and not destroy or part with possession of any documents in their possession or power which are relevant to the claims outlined in the LBA.

77. In response to the LBA to the Third and Fourth Defendants, by letter dated 24 October 2025, Appleby (Cayman) Ltd, attorneys-at-law (**Appleby**), wrote to Mourant on behalf of the Third and Fourth Defendants. Appleby's response referred to a ruling dated 6 August 2025, which upheld a decision of the lower court that unless and until the Plaintiff succeeds in defeating the Third and Fourth Defendants' disinheritance claim, the Plaintiff's status as a successor to Michael Stivelman remained at large. Appleby's letter asserts that the Plaintiff's claims to a share of the estate of Michael Stivelman may proceed only if the Third and Fourth Defendants' claims in the Disinheritance Proceedings have finally been dismissed.

78. The Appleby letter further states that if the Plaintiff issues the proceedings indicated in the LBA, the Third and Fourth Defendants will immediately apply for an order for a stay of proceedings lasting at least until the Plaintiff, if she can, prevails in the Disinheritance Proceedings.

79. None of the disclosure requested in the LBA to the Third and Fourth Defendants was provided by the Third and/or Fourth Defendants.

LBA to Miraplan Asset Management, Miraplan International Fund, RMS Cayman and Tradex Cayman

80. By separate LBAs dated 26 August 2025, Mourant gave notice to each of Miraplan Asset Management, Miraplan International Fund, RMS Cayman and Tradex Cayman, that they were instructed to institute proceedings in this court seeking the following relief:

(a) orders restraining each of the Stivelman Cayman Companies from registering the transfer of any shares in each company currently or previously registered in the name of Michael Stivelman, or in the names of any persons purporting to be personal representatives of the estate of Michael Stivelman (**Stivelman Shares**);

(b) orders requiring each company to make full disclosure regarding the ownership, transfer, disposition or pledge of any Stivelman Shares whether during or after the lifetime of Michael Stivelman; and

(c) orders requiring the Company to make disclosure regarding the assets, business and financial statements of the Company for any period during which, and since, any of the Company's shares were or have been Stivelman Shares.

81. Each of the companies was requested to provide disclosure as follows:

(a) confirmation as to whether any Stivelman Shares were at any time registered in the name of Michael Stivelman, and if so, details of the dates on which such shares were transferred, and the names, particulars and description of the transferees of such shares; and

(b) if there exists or previously existed any Stivelman Shares, copies of the financial statements of the Company for any period since there have existed any Stivelman Shares.

82. Each of the companies was required not to register any transfer of any Stivelman Shares except with the permission of this court and also to preserve and not destroy or part with possession of any documents in each company's possession which are relevant to the claims set out in the LBA.

83. Mourant received no response from any of the companies to any of the LBAs.

L. The revocation of the Grant of Probate of the 2015 Cayman Will

84. By a summons dated 30 January 2026 made in Cause no. P 132 of 2024 the First and Second Defendants applied for an order that the Grant of Probate of the 2015 Cayman Will be set aside (the **Revocation Application**). The Revocation Application was supported by affidavits sworn respectively by the First Defendant and the Second Defendant and by an affidavit of Brazilian law by Thiago de Oliveira Couto Hatab (the **Hatab Affidavit**).

85. In the Revocation Application the First Defendant and the Second Defendant admit that the 2015 Cayman Will was effectively revoked by Michael Stivelman's 2023 Will and that the Grant of Probate was therefore wrongly obtained.

86. In their affidavits, the First and Second Defendants state that, acting pursuant to the wrongly obtained Grant of Probate, they had distributed Michael Stivelman's Cayman estate, without identifying the persons to whom they had distributed the estate.

87. Paragraph 15 of the Hatab Affidavit states that the affiant '*was informed that the* First and Second Defendants *have already distributed the Cayman Estate to the two sons of the Deceased in accordance with the 2015 Will.*'

88. By an order dated 6 February 2026 made in Cause no P 132 of 2024 the Grant of Probate was revoked.

89. No notice of the Revocation Application was served on the Plaintiff.

M. <u>The Plaintiff's Case</u>

90. The Grant of Probate was wrongly obtained by the First Defendant and the Second Defendant. Any transfer made by the First and Second Defendants in purported distribution of Michael Stivelman's Cayman estate was void or is voidable at the suit of the Plaintiff.

91. The Second and Third Defendants wrongly and unlawfully distributed and the Third and Fourth Defendants wrongly and unlawfully accepted a distribution of Michael Stivelman's Cayman Estate by the First and Second Defendants to the Third and Fourth Defendants to the exclusion of the Plaintiff.

Particulars

(a) The First and Second Defendants, in support of the application for the Grant of Probate, submitted a death certificate which contained the false statement that the Third and Fourt Defendants were the only children and lawful heirs of Michael Stivelman.

(b) The Third and Fourth Defendants accepted the distribution of Michael Stivelman's Cayman Estate pursuant to the Grant of Probate when the Third and Fourth Defendants knew of the existence of Michael Stivelman's 2023 Will which states that it revoked the 2015 Cayman Will. In particular, the Third and Fourth Defendants had already commenced probate proceedings in Brazil in respect of Michael Stivelman's 2023 Will at the time of the commencement of the proceedings for the Grant of Probate of the 2015 Cayman Will.

92. It is to be inferred from the facts averred at Section H of this Statement of Claim, that during the lifetime of Michael Stivelman he made donations of shares in the Stivelman Cayman Companies or of other Stivelman Cayman Property to the Third and Fourth Defendants which, as a matter of Brazilian law, are liable to be returned to the estate of Michael Stivelman for distribution among all the necessary heirs of Michael Stivelman, including the Plaintiff.

93. The Third and Fourth Defendants are liable as constructive trustees to account for all Stivelman Cayman Property and shares in the Stivelman Cayman Companies transferred to them by Michael Stivelman during his lifetime and by the First and Second Defendants in purported distribution of Michael Stivelman's Cayman estate and are liable to restore all such property to the estate of Michael Stivelman for proper distribution in accordance with the forced heirship laws of Brazil.

94. The Plaintiff is entitled as against the Defendants to declarations, injunctive relief and orders for discovery and asset preservation in order to:

(a) facilitate the identification and tracing of all Stivelman Property which came into the possession of the Defendants whether during the lifetime of Michael Stivelman or after his death;

(b) preserve any Stivelman Cayman Property in the possession of the Defendants pending the trial or other disposition of the Plaintiff's claim;

(c) restrain the transfer, further transfer or other disposition of Stivelman Cayman Property in the possession of the Defendants;

(d) recover any Stivelman Cayman Property wrongly transferred by any of the Defendants and to preserve such property pending the trial or other disposition of the Plaintiff's claim; and

(e) return all Stivelman Cayman Property to the estate of Michael Stivelman so that they may be properly distributed among the necessary heirs and testamentary beneficiaries of Michael Stivelman in accordance with Brazilian law.

95. Since, as a matter of Brazilian law, the courts of Brazil have no jurisdiction over the property of a deceased which is situated outside of Brazil, it is for the Cayman Islands courts to determine the legal entitlement to the Stivelman Cayman Property.

WHEREFORE THE PLAINTIFF CLAIMS:

(1) A declaration that all Stivelman Cayman Property in the possession of any of the Defendants are held by such Defendant upon trust for the necessary heirs and the testamentary beneficiaries of the estate of Michael Stivelman in such proportions as mandated by the proper application of the forced heirship laws of Brazil.

(2) Orders that the Third Defendant and the Fourth Defendant restore to the estate of Michael Stivelman all Stivelman Cayman Property donated to the Third Defendant and the Fourth Defendant during the lifetime of Michael Stivelman and all Stivelman Cayman Property transferred to the Third Defendant and the Fourth Defendant by the First Defendant and the Second Defendant for distribution among the necessary heirs and testamentary beneficiaries of Michael Stivelman in accordance with Brazilian law.

(3) An order that the First, Second, Third and Fourth Defendants provide a full accounting of all Stivelman Cayman Property which came into their respective possession prior to or since the death of Michael Stivelman, to include details of any Stivelman Cayman Property which came into their possession and are no longer in their possession, and details of the names, addresses, description and contact information of any person who, to the knowledge of these respective Defendants, currently has possession of such property;

(4) An injunction restraining each of the First, Second, Third and Fourth Defendants from transferring, disposing of, creating any charge, mortgage, lien or encumbrance over, or otherwise dealing with or diminishing in value any Stivelman Cayman Property in their respective possession, except in accordance with a judgment or order of the Court;

(5) An order against each of the Fifth, Sixth, Seventh, Eighth, and Ninth Defendants restraining each of them from registering the transfer of any of their shares currently, or at any time previously, registered in the name of Michael Stivelman, or in the names of persons purporting to be personal representatives of the estate of Michael Stivelman;

(6) An order against the Tenth Defendant requiring it to disclose to the Plaintiff in respect of each of the Fifth, Sixth, Seventh, Eighth and Ninth Defendants copies of that Defendant's –

(a) Certificate of Incorporation;

(b) Register of Members; and

(c) Register of Directors and Officers,

in each case from the date of incorporation to the date of disclosure.

(7) Against all Defendants such further or other orders as the Court considers just and convenient following disclosure by each of the Defendants.

(8) Costs.

This **Writ of Summons** and **Statement of Claim** was filed Mourant Ozannes (Cayman) LLP, Attorneys-at-Law for the Plaintiff, whose address for service is PO Box 1348, 94 Solaris Avenue, Camana Bay, Grand Cayman KY1-1108, Cayman Islands 8072604/258159966/2.

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 the Defendant 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 that Defendant's defence within the appropriate time, the Plaintiff may enter judgment against the Defendant 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 the Defendant intends to apply for a stay, execution will be stayed for 14 days after that Defendant's Acknowledgment, but the Defendant must, within that time, issue a Summons for a stay of execution, supported by an affidavit of the Defendant's 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

Please complete overleaf

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 the Defendant.

3. Where the Defendant is sued in a name different from the Defendant's own, the form must be completed by the Defendant 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 that Partner's name.

5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN THAT PERSON'S OWN, the form must be completed by the Defendant with the addition in paragraph 1 of the description "trading as (...........................)" after that Defendant's 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 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: FSD OF 2026 ( )

BETWEEN:

ERMINIA MANSO STIVELMAN OLIVEIRA DE SOUSA

PLAINTIFF

AND:

(1) GIORGIO SUBIOTTO AS EXECUTOR OF THE ESTATE OF MICHAEL STIVELMAN
(2) JAMES BERGSTROM AS EXECUTOR OF THE ESTATE OF MICHAEL STIVELMAN
(3) JACQUES CLAUDIO STIVELMAN
(4) EDUARDO STIVELMAN
(5) MIRAPLAN ASSET MANAGEMENT LTD
(6) MIRAPLAN CONSULTING LTD
(7) MIRAPLAN INTERNATIONAL FUND LTD
(8) RMS INVESTMENTS LTD
(9) TRADEX INVESTMENTS LTD
(10) OGIER GLOBAL (CAYMAN) LIMITED

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 the Defendant 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 the Defendant 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

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, the Defendant must give the Defendant's post office box number and the physical address of the Defendant's residence or, if the Defendant does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for the Defendant 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 that Plaintiff's name, address and reference, if any, in the box below.

Mourant Ozannes (Cayman) LLP
94 Solaris Avenue
Camana Bay
PO Box 1348
Grand Cayman
KY1 1108
Cayman Islands

Indorsement by Defendant's Attorney (or by defendant if suing in person) of that

Defendant's name, address and reference, if any, in the box below.