

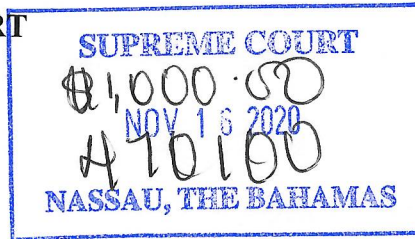
COMMONWEALTH OF THE BAHAMAS

2020

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IN THE SUPREME COURT

Commercial Division



BETWEEN:

ALPHA AVIATION LIMITED

First Plaintiff

and

ADVANCED AVIATION LIMITED

Second Plaintiff

and

RANDY LARRY BUTLER

First Defendant

and

SKY BAHAMAS AIRLINES LIMITED

Second Defendant

and

AVIATION OVERSIGHT GROUP LTD.

Third Defendant

**ELIZABETH THE SECOND**, by the Grace of God, Queen of the Commonwealth of The Bahamas and of her other realms and territories, Head of the Commonwealth.

To: Randy Larry Butler  
Highpoint Estates  
Nassau, THE BAHAMAS

Alternatively  
Woodland Way East  
Winton Estates  
Nassau, Bahamas

Sky Bahamas Airlines Limited  
c/o H & J Corporate Services Ltd.  
Ocean Centre, Montagu Foreshore  
East Bay Street  
Nassau, The Bahamas

Aviation Oversight Group Ltd.  
c/o No. 66 Woodland Way  
Nassau, The Bahamas

**WE COMMAND YOU** that within 14 days after service of this writ on you inclusive of the day of such service, you do cause an appearance to be entered for you in this action at **c/o Scott & Co., P.O. Box SP 60606, BI Unit 12, Old Fort Bay Town Centre, Nassau, Bahamas**

And take notice that in default of your doing so the Plaintiff may proceed therein, and judgment may be given in your absence.

**WITNESS** His Lordship the Honourable Sir Brian Moree, Our Chief Justice of the Commonwealth of The Bahamas this 16<sup>th</sup> day of November, A.D., 2020.

#### **REGISTRAR**

**NB – This Writ is to be served within 12 calendar months from the date thereof, or, if renewed, within six calendar months from the date of the last renewal, including the day of such date, and not afterwards.**

**The Defendant may enter appearance personally or by Attorney either by handing in the appropriate forms, duly completed, at the Registry of the Supreme Court, Ansbacher House, East Street, Nassau, The Bahamas or by sending them to that office by post.**

**If the Defendant enters an appearance he must also deliver a Defence to the Attorneys for the Plaintiff within 14 days from the last day of the time limited for appearance, unless such time is extended by the Court or a Judge, otherwise**

**appearance, unless such time is extended by the Court or a Judge, otherwise judgment may be entered against him without notice, unless he has in the meantime been served with a Summons for Judgment.**

### **STATEMENT OF CLAIM**

1. The First Plaintiff ("*Alpha*") is a company incorporated in The Commonwealth of The Bahamas. The Second Plaintiff (*Advanced*) is a company incorporated in the Commonwealth of the Bahamas aforesaid but subsequently redomiciled to Cayman Islands. At all material times, one Kevin Peter Turnquest was a director and manager of the First and Second Plaintiffs.
2. The Second and Third Defendants respectively ("*Sky Bahamas*" and "*Aviation Oversight*") were, at all material times, companies owned and/or controlled and/or managed by the First Defendant (*Butler*) and also by the said Kevin Peter Turnquest (*Turnquest*).
3. Between 2008 and 2017, the First, Second and Third Defendants, together with *Turnquest*, or any two or more together (the "*conspirators*"), wrongfully and with intent to injure each Plaintiff and/or to cause loss to them by unlawful means and/or to enrich themselves, unlawfully conspired and combined together to defraud each Plaintiff and to conceal such fraud and the proceeds of such fraud from the Plaintiffs and thereby unjustly to enrich themselves.

### **PARTICULARS OF INJURY AND OF UNLAWFUL ACTS**

1. As at 31st December 2017, the *conspirators* had dishonestly caused *Alpha* to pay away a total of \$20,680,337.33 to *Sky Bahamas* as, in each case, some kind of bogus loan.

2. As at 31st December 2017, the *conspirators* had dishonestly caused *Advanced* to pay away via wire transfers a total of \$5,916,587.67 to *Sky Bahamas*, also as some kind of bogus loan(s).
3. As at 31st December 2017, the *conspirators* had dishonestly caused *Alpha* to pay away a total of \$3,026,000.00 to themselves via a company then controlled and/or managed by them, namely AOG Maintenance Limited.
4. Between around February 2008 and July 2016, the *conspirators* dishonestly caused *Alpha*, by means of some 39 fraudulent invoices and/or book entries, and for no adequate consideration, to pay away to *Aviation Oversight* (37 cheques) and to *Sky Bahamas* (2 cheques) the sum of US\$3,800,000.00.
5. In breach of their duties of honesty and fidelity as directors and/or managers of both the Plaintiffs and of the Second and Third Defendants and their duties to act in the best interests of the companies, *Turnquest* and *Butler* failed to keep or to ensure that the companies kept any, or any adequate, financial books of account or financial records recording and/or documenting the companies' financial transactions, failed to maintain or keep any or any proper management accounts or bank or cheque or wire transfer reconciliations and failed to put in place any or any adequate financial controls or systems.
6. None of the payments to *Sky Bahamas* or to *Aviation Oversight* from either *Alpha* or *Advanced* were documented properly, or at all, or were due and owing by the Plaintiffs, or either of them, in any amounts, or at all.
7. At all material times, *Butler* knew or must be taken to have known that the receipt by *Sky Bahamas* and *Aviation Oversight* from *Alpha* and *Advanced*

were paid away by *Turnquest* in breach of his fiduciary duties and dishonestly and were received by *Sky Bahamas* and *Aviation Oversight* as money had and received by those companies on behalf of *Alpha* and *Advanced* and held by them on resulting trust for the Plaintiffs.

8. By reason of the above particularised torts and/or breaches of duty, the conspirators, and each of them, wrongfully caused loss and damage to the Plaintiffs, and to each of them, in the amounts particularised above.

AND the First and Second Plaintiffs claim:

- (1) Against the First, Second and Third Defendants:

(i) An order that each Defendant compensate the Plaintiffs in equity:

(ii) An account of all sums misappropriated by the Defendants from the Plaintiffs

and an order for payment of all sums found due upon the taking of such an account:

(iii) A declaration that these Defendants hold all sums taken from the Plaintiffs and/or all assets representing such sums, on constructive or resulting trust for the Plaintiffs:

(iv) Damages;

(v) Interest pursuant to the Civil Procedure (Award of Interest) Act, Ch. 80, or in equity;

(vi) All necessary or further accounts, directions and enquiries;

(vii) Further or other relief;

(viii) Costs.

Dated the 16<sup>th</sup> day of November, A.D. 2020

**SCOTT & CO**  
P.O. Box SP 60606  
Building 1, Unit 12  
Old Fort Bay Town Centre  
Nassau, Bahamas

**Attorneys for the Plaintiff**

And the sum of \$ \_\_\_\_\_ (or such sum as may be allowed on taxation) for costs, and also, in case the Plaintiff obtains an order for substituted service, the further sum of \$ \_\_\_\_\_ and costs (or such sum as may be allowed on taxation). If the amount claimed be paid to the Plaintiff or his Solicitor or agent within 14 days from the service hereof, further proceedings will be stayed.

Provided that if it appears from the Indorsement of the Writ that the Plaintiff is resident outside the scheduled territories, as defined in the Exchange Control Act, 1947, or is acting by order on behalf of a person so resident, or if the Defendant is acting by order or on behalf of a person so resident, proceedings will only be stayed if the amount claimed is paid into Court within the said time and notice of such payment in is given to the Plaintiff, his Solicitor or agent.

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**INDORSEMENT OF SERVICE**

This Writ of Summons was served by \_\_\_\_\_ on the Defendants  
**Randy Larry Butler and Sky Bahamas Airlines Limited and Aviation Oversight  
Group Ltd. on the \_\_\_\_\_ day of November 2020 at \_\_\_\_\_ o'clock at the  
following address:**

(Address)

\_\_\_\_\_  
Signed

**COMMONWEALTH OF THE BAHAMAS  
IN THE SUPREME COURT**

**Commercial Division**

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WRIT OF SUMMONS

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*Scott & Co.*

**SCOTT & CO.**  
Building 1, Unit 12  
Old Fort Bay, Town Centre  
P.O. Box SP 60606  
Nassau, Bahamas  
Attorneys for the Plaintiffs