

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE No.: 0386 of 2009

BETWEEN:

ALISSTA TOWERS LTD.

AND:

CAYMAN NET LTD.



PLAINTIFF

DEFENDANT

WRIT OF SUMMONS

TO: Cayman Net Ltd C/o of Mourant, Cayman Corporate Services Ltd., P.O. Box 1348, Harbour Centre, 42 North Church Street, 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 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 495, George Town, Grand Cayman, Cayman Islands, 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: 18 August 2009.

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.

STATEMENT OF CLAIM

1. The Defendant drew and delivered to the Plaintiff various cheques, drawn on the Fidelity Bank (Cayman) Limited in various amounts payable to the Plaintiff as particularised below.

Particulars

Tab	Drawer	Payee	Date	Cheque No.	Amount CI\$
1.1	Cayman Net News	Alissta Towers	30 April 2007	006822	6,250.00
1.2	Cayman Net News	Alissta Towers	6 June 2008	008821	10,000.00
1.3	Cayman Net News	Alissta Towers	13 June 2008	008822	5,691.07
1.4	Cayman Net News	Alissta Towers	4 July 2008	008825	5,691.07
1.5	Cayman Net News	Alissta Towers	11 July 2008	008826	5,691.07
1.6	Cayman Net News	Alissta Towers	18 July 2008	008827	5,691.07
1.7	MCM Consultants	Alissta Towers	23 June 2009	001056	1,855.00
1.8	MCM Consultants	Alissta Towers	24 June 2009	001058	1,855.00
1.9	MCM Consultants	Alissta Towers	25 June 2009	001061	1,855.00
1.10	MCM	Alissta Towers	26 June 2009	001062	1,855.00

	Consultants				
1.11	MCM Consultants	Alissta Towers	1 July 2009	001065	1,855.00
1.12	MCM Consultants	Alissta Towers	3 July 2009	001068	1,855.00
1.13	Total				50,144.28

2. On due presentation of the cheques referred to at sub-paragraphs 1.1 – 1.12 each cheque was dishonoured.
3. As a result of the dishonouring of the cheques referred to at sub-paragraphs 1.1 – 1.12, the banker for the Plaintiff, Cayman National Bank then charged the Plaintiff a dishonour fee for each cheque.

Tab	Bank	Cheque No.	Date of Dishonour	Dishonour Fee CI\$
3.1	Cayman National	006822	10 May 2007	20.00
3.2	Cayman National	008821	24 June 2008	30.00
3.3	Cayman National	008822	24 June 2008	30.00
3.4	Cayman National	008825	11 August 2008	30.00
3.5	Cayman National	008826	11 August 2008	30.00
3.6	Cayman National	008827	11 August 2008	30.00
3.7	Cayman National	001056	30 June 2009	20.00
3.8	Cayman National	001058	30 June 2009	20.00
3.9	Cayman	001061	8 July 2009	20.00

	National			
3.10	Cayman National	001062	8 July 2009	20.00
3.11	Cayman National	001065	8 July 2009	20.00
3.12	Cayman National	001068	15 July 2009	20.00
3.13	Total			290.00

4. Due notice of the dishonour was given by the Plaintiff to the Defendant.

5. Each cheque particularised sub-paragraphs 1.1 – 1.12, remains unpaid.

AND THE PLAINTIFF CLAIMS

6. The Plaintiff is entitled to and claims:

6.1 The sum of:

6.1.1 Sub-paragraph 1.13 50,144.28

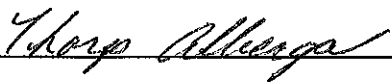
6.1.2 Sub-paragraph 3.13 290.00

6.1.3 Total sum **CI\$50,434.28**

6.2 Interest pursuant to Section 34 of the *Judicature Law* (2007 Revision) and rule 3(b) of the *Judgment Debts (Rates of Interest) Rules* (2008 Revision).

6.3 Costs.

Dated: 18 August 2009



Thorp Alberga Attorneys-at-law for the Plaintiff

Acknowledgement of service of writ of summons (0.12, r.3)**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, Cayman Islands.

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

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 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 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.

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BETWEEN:

ALISSTA TOWERS LTD.

PLAINTIFF

AND:

CAYMAN NET LTD.

DEFENDANT

**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

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.

Thorp Alberga
Attorneys-at-Law
2nd Floor, Harbour Place
103 S. Church Street
P.O. Box 472
George Town
Grand Cayman, KY1-1106
Cayman Islands
Attorney: Mr. Chris McDuff
Email:
cmcduff@thorpalberga.com
Ref: CMD/A0159-005

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