

IN THE GRAND COURT OF THE CAYMAN ISLANDS *GO289*
CAUSE NO OF 2011

IN THE MATTER OF THE LIMITATION LAW (1996 Revision)

BETWEEN:

APRIL FISHER

PLAINTIFF



FIREWORKS LIMITED



DEFENDANT

ORIGINATING SUMMONS

LET THE DEFENDANT, Fireworks Limited of c/o Aston Corporate Managers Ltd, The Charles Building, North Church Street, PO Box 1981, George Town attend, before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the 19th day of August 2011, at 9:30am on the hearing of an application by the Plaintiff, Ms. April Fisher of 1742 Orcas Park Tce, North Saanich, British Columbia, V8L 4A1, Canada, for a direction under section 39 of the Limitation Law (1996 Revision) that Section 13 of that Law should not apply to the action issued under cause number 470 of 2010. This Summons is issued pursuant to Order 32, rule 9A of the Grand Court Rules.

If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to him as the court may think just and expedient.

Dated this 25th day of July 2011.

Turner + Roulstone
TURNER & ROULSTONE
Attorneys-at-Law for the Plaintiff

NOTES –

(1) This Summons 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 that date unless renewed by order of the Court.

(2) If a defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

This Originating Summons was issued on behalf of the Plaintiff by Turner & Roulstone, Attorneys-at-Law, PO Box 2636 GT, Strathvale House, 90 North Church Street, George Town, Grand Cayman, Cayman Islands whose address for service is care of her said Attorneys-at-Law.

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.

Turner & Roulstone
3rd Floor Strathvale House
90 North Church Street
George Town
Grand Cayman

Ref: AD/as/0725-0001

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

[Empty box for defendant's attorney indorsement]

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS

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 court, P.O. Box 495G, George Town, Grand Cayman.

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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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*)".
5. 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.
6. Where the Defendant is sued as and 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.
7. 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 not further step in the proceedings without an Attorney acting on its behalf.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.