

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 291 of 2011

BETWEEN: CAMPBELLS PLAINTIFF

AND: RUSSELL YACHTS LTD. DEFENDANT

WRIT OF SUMMONS

TO THE DEFENDANT:

Russell Yachts Limited
Arcadia Group Ltd.
Unit A7
Cayman Business Park
Thomas Russell Way
George Town
Grand Cayman
Cayman Islands
(Ref. JW/gh/12037-13933)



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, 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 26th day of July 2011.

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 Plaintiff is a law firm providing legal services to the public.
2. At all material times the Defendant was a client of the Plaintiff.
3. At the request of the Defendant, the Plaintiff provided legal services to the Defendant.
4. The Plaintiff rendered two (2) account for legal services provided on 4th January 2007 in the amount of US\$6,178.77 ("the first invoice") and on 1st February 2007 in the amount of US\$1,622.80 ("the second invoice").
5. The first and second invoice were sent to the Defendant on 1st February 2007.
6. As no payment has been made by the Defendant to the Plaintiff, the Plaintiff made formal written demand for payment of all sums due on 20th May 2011.
7. Despite demand the Defendant has failed to pay the amount due to the Plaintiff.
8. Regarding interest, the Plaintiff claims interest at the Cayman Islands Grand Court rate of interest.
9. The current Cayman Grand Court rate of interest pursuant to section 34(1) of the Judicature Law (2007 Revision) is 2.38% per annum. Therefore as from 2nd February 2007 to date, the Plaintiff claims US\$831.30, which is calculated at a rate of US\$0.51 per diem.
10. The Plaintiff therefore claims the sum of US\$7,801.57 in payment of the account rendered plus interest in the sum of US\$831.12 up to the date of this Writ and accruing thereafter at a daily rate of US\$0.51 pursuant to Section 34(1) of the Judicature Law (2007 Revision).

AND THE PLAINTIFF CLAIMS:

1. Judgment in the sum of US\$7,801.57;
2. Interest in the sum of US\$831.12 up to the date of this Writ and accruing thereafter a daily rate of US\$0.51 pursuant to Section 34(1) of the Judicature Law (2007 Revision);

3. Costs; and

4. Such further and/or relief as this honourable Court deems appropriate.

If within the time for returning the acknowledgment of service the Defendants pays the total amount claimed of US\$7,801.57, plus interest and costs, further proceedings will be stayed. The funds must be paid to the Plaintiff.



CAMPBELLS

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 495, George Town, Grand Cayman

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 installments or otherwise.

See over for notes for guidance

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 his 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.

BETWEEN: CAMPBELLS PLAINTIFF
AND: RUSSELL YACHTS 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 the Defendants whereby they 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

Service of the Writ is acknowledged accordingly

(Signed)

[Attorney] for

[Defendant in person]

Address for service:

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.

Campbells .
Attorneys-at-Law
P.O. Box 884
Fourth Floor
Scotia Centre
George Town,
Grand Cayman KY1-1103
Cayman Islands
Ref: stm/GH/12037-13933

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