

No. 1

Writ of Summons (O.6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION

Cause No. 421 of 2011  
Legal Aid No. LACV0043 of 2010

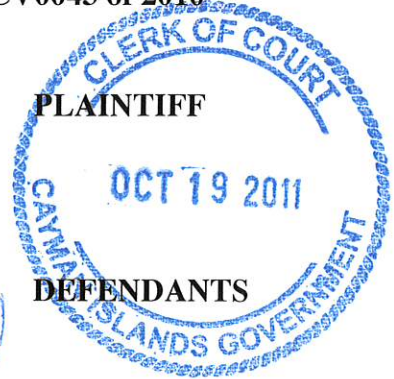
BETWEEN: KENLEY ANDREWS

PLAINTIFF

AND: PHOENIX LIMITED t/a  
PHOENIX CONSTRUCTION

PHOENIX LIMITED

DEFENDANTS



TO: Phoenix Limited t/a Phoenix Construction  
c/o Giglioli & Company  
Attorneys At Law  
George Town  
GRAND CAYMAN

AND TO: Phoenix Limited  
c/o Giglioli & Company  
Attorneys At Law  
George Town  
Grand Cayman

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 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                    day of October, 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.**

**GENERAL ENDORSEMENT**

- 1 **The Plaintiff's claim is for personal injuries , loss and damage, the said injuries having been sustained on or about 20<sup>th</sup> October, 2008 , while the Plaintiff was employed by the Defendants, and whilst the Plaintiff was acting in the course of his employment duties, which injuries were caused by the negligence and/or breach of statutory duty of the Defendants in failing to provide a safe environment and/or proper protective equipment for the Defendant to safely carry out his duties as their employee.**
  
- 2 **As a result of the injuries sustained on 20<sup>th</sup> October, 2008 whilst carrying out his duties as an employee of the Defendants, the Plaintiff was unable to continue to carry out the same duties with his employer that he did previously. He was subsequently wrongfully and/or unfairly dismissed by the Defendants on or about 20<sup>th</sup> October 2009.**
  
- 3 **By reason of the premises the Plaintiff has suffered loss and damage.**  
  
**Particulars of loss and Damage**  
  
**Full particulars will be supplied after discovery herein.**
  
- 4 **Wherefore the Plaintiff claims:**
  - (a) **Damages for personal injuries, loss and damage.**
  - (b) **Damages for Wrongful/Unfair Dismissal**
  - (c) **Further and in the alternative Damages for breach of Contract.**
  - (d) **Statutory Interest**
  - (e) **Costs**
  - (f) **Further or other relief.**

Dated this 19<sup>th</sup> day of October, 2011

  
**BROOKS & BROOKS**  
**ATTORNEYS AT LAW**  
**FOR THE PLAINTIFF HEREIN**

**THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM was filed by Brooks & Brooks, Attorneys At law whose address for service of process is Two , Artillery Court, George Town, GRAND CAYMAN**

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO.            of 2011  
Legal Aid No. LACV0043 of 2010

CIVIL DIVISION

BETWEEN:            KENLEY ANDREWS                            PLAINTIFF

AND:                 PHOENIX LIMITED t/a  
                             PHOENIX CONSTRUCTION

                             PHOENIX LIMITED                            DEFENDANTS

ACKNOWLEDGEMENT 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.**

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1. State the full name of the Defendant by whom or on whose behalf the  
service of the Writ is being acknowledged.

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2 State whether the Defendant intends to contest the proceedings (tick  
appropriate box)

Yes	No
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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
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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 the Plaintiff's Attorney (or by the Plaintiff if suing in person) of his name, address and reference if any in the box below

**Brooks & Brooks  
Attorneys At Law  
P O Box 1355  
GRAND CAYMAN KY 1 – 1108**

**(Two, Artillery Court, Shedden Road, George Town, Grand Cayman)**

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