

THIS WRIT IS RE-AMENDED THE 25<sup>th</sup> DAY OF APRIL, 2012 BY WRITTEN AGREEMENT PURSUANT TO GCR ORDER 12 RULE 20

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO 470 OF 2010

BETWEEN: APRIL FISHER

PLAINTIFF

AND: TELL ALL LTD

FIRST DEFENDANT

AND: FIREWORKS LTD

SECOND DEFENDANT

RE-AMENDED WRIT OF SUMMONS

TO: **TELL ALL LTD** c/o Thorp Alberga, PO Box 472, Harbour Place, 2<sup>nd</sup> Floor, 103 South Church Street, Grand Cayman, KY1-1106, Cayman Islands

AND TO: FIREWORKS LTD c/o Bodden Corporate Services Ltd, PO Box 10335 Grand Pavilion Commercial Centre, 802 West Bay Road, Grand Cayman KY1-1003.

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, PO 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 24<sup>th</sup> day of December 2010.

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.

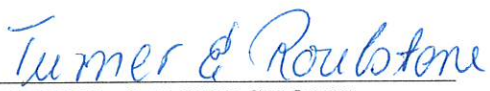
### INDORSEMENT OF CLAIM

The Plaintiff's claim is for personal injuries, pain and suffering, loss and damage suffered by ~~him~~ her when she was struck by a firework as a result of the negligence (including in respect of the First Defendant, a breach of its duties as an occupier) ~~and/or breach of statutory duty~~ on the part of the First and/or Second Defendants, including their respective ~~its~~ servants or agents on or about 1 January 2008 at the First Defendant's ~~Plaintiff's~~ premises known as "Grand Old House" on South Church Street, Grand Cayman. The Plaintiff also claims interest thereon pursuant to section 34 of the Judicature Law (2007 Revision) on the amount found to be due to the Plaintiff at such rate and for such period as the Court thinks fit.

~~DATED this 24<sup>th</sup> day of December, 2010~~

~~AMENDED this 14<sup>th</sup> day of March, 2011~~

~~RE-AMENDED this 25<sup>th</sup> day of April, 2012~~

  
**TURNER & ROULSTONE**  
**Attorneys-at-Law for the Plaintiff**

**THIS RE-AMENDED WRIT** was issued by Turner & Roulstone, Attorneys-at-law for the Plaintiff whose address for service is Strathvale House, 90 North Church Street, George Town, Grand Cayman, Cayman Islands.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO 470 OF 2010

BETWEEN: APRIL FISHER PLAINTIFF

AND: TELL ALL LTD FIRST DEFENDANT

AND: FIREWORKS LTD SECOND DEFENDANT

ACKNOWLEDGMENT OF SERVICE  
OF RE-AMENDED WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

**Important.** Read the accompanying Delay may result in judgment being entered directions and notes for guidance against a Defendant whereby he may have to carefully before completing this form. If pay the costs of applying to set it aside. any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

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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:

Notes on address for service

*Please complete overleaf*

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 o, 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  
Attorneys-at-Law  
Strathvale House  
90 North Church Street  
P.O. Box 2636  
Grand Cayman KY1 1102  
Cayman Islands**

**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.*

**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, PO Box 495, George Town, Grand Cayman KY1-1106.

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 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 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 Questions 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 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.
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 not 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.