

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION

CAUSE NO: 22 OF 2012

BETWEEN:

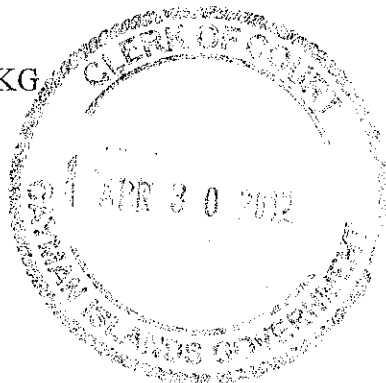
ROBBE & BERKING GmbH & CO KG

PLAINTIFF

AND:

AMBIENCE LTD.

DEFENDANT



WRIT OF SUMMONS

TO: Ambience Ltd. 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 495GT, 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: 30th day of April 2012

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 German company which manufactures and sells goods to retailers globally in, *inter alia*, high-end tableware, kitchenware, silverware and domestic and commercial cutlery and crockery.
2. The Defendant is a Cayman Islands ordinary resident company incorporated and registered on 13 July 1998 (Reg. No. 83142) and having its registered office at C&M Building, School House Rd, George Town, Grand Cayman.
3. The Defendant ran a retail business trading as "Ambience" selling goods sold and delivered to it by the Plaintiff, *inter alia*, high-end tableware, kitchenware, silverware and domestic and restaurant cutlery and crockery to the Defendant's commercial and retail customers in the Cayman Islands.
4. The Plaintiff supplied goods sold and delivered to the Defendant upon orders placed by the Defendant with the Plaintiff in the ordinary course of their business relationship.
5. Since March 2008 the Defendant has neglected or failed to make full payment to the Plaintiff, despite the Plaintiff's numerous requests and demands and despite the Plaintiff having provided full particulars of the amounts claimed including letters of demand with reference to invoices and statements all previously supplied to the Defendant.
6. At no time has the Defendant disputed the debt claimed by the Plaintiff.
7. The Defendant's refusal to make payment to the Plaintiff is in breach of their Agreement and has caused the Defendant damages in the sum of US\$84,176.01 for goods sold and delivered by the Plaintiff to the Defendant.

WHEREFORE THE PLAINTIFF CLAIMS:

- Judgment, or damages, in the sum of US\$84,176.01;
- Alternatively, damages in the sum of US\$84,176.01 or in such sum as may be assessed by this Honourable Court on a *quantum meruit* basis;

- Pre-judgment interest on the sum of US\$84,176.01 at such rates as the Court may award pursuant the Judicature Law;
- Post-judgment interest on all sums awarded at such rates as the Court may award pursuant to the Judicature Law until such judgment is satisfied;
- Costs of this action on such scale as the Court may award; and
- Such other and further relief as may be requested and this Honourable Court may deem appropriate.


DIAMOND JONES

THIS WRIT OF SUMMONS was issued by DIAMOND JONES, Attorneys for the Plaintiff, whose address for service is Grand Pavilion Commercial Centre, 802 West Bay Road, PO Box 2887, George Town, Cayman Islands, KY1-1112 (Ref: SND).

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.

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.

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.

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

DIAMOND JONES
Grand Pavilion Commercial Centre
802 West Bay Road
PO Box 2887 GT,
George Town,
Cayman Islands, KY1-1112
Ref: SND

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