

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 59 OF 2013

BETWEEN:

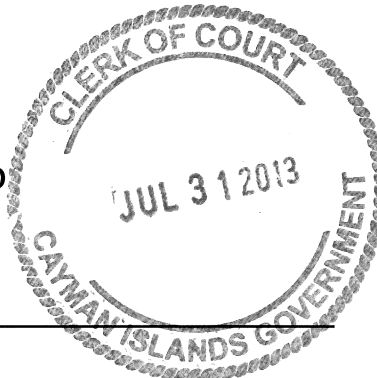
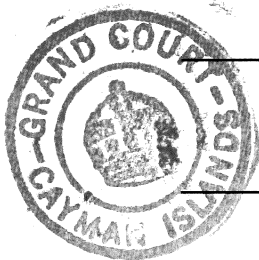
WILLIAM HELFRECHT

Plaintiff

AND

- (1) JAMES CHAPMAN
- (2) BODDEN LITIGATION LTD
- (3) TOUGH & TETUE LTD

Defendants



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**AMENDED WRIT OF SUMMONS**

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- TO: (1) James Chapman of PO Box 614, 107 Boggy Sand Rd, West Bay, Grand Cayman KY1-1303, Cayman Islands.
- (2) Bodden Litigation Ltd of PO Box 742, 81 West Church Street, Grand Cayman, KY1-1303, Cayman Islands.
- (3) Tough & Tetue Ltd of PO Box 10335, Grand Pavilion Commercial Centre, 802 West Bay Road, Grand Cayman, KY1-1003, 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 Registrar of the Grand Court, Court Office, PO Box 495, George Town, Grand Cayman, KY1-1106, Cayman Islands, 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 22<sup>nd</sup> day of February 2013

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

The Plaintiff's claim is for:

- 1 A direction of the Court that the partnership known as Bodden & Bodden Litigation (the "**Partnership**") was dissolved on 29 31 October 2012, or alternatively on 10 December 2012, by notice to the First Defendant by the Plaintiff and that the affairs of the Partnership be wound up by the Court with all necessary and proper Accounts, Inquires and Directions.
- 2 Alternatively, an order that the Partnership be dissolved and that its affairs be wound up by the Court with all necessary and proper Accounts, Inquires and Directions.
- 3 The appointment of a Receiver and a Manager over the assets, property and effects (including client monies) of the Partnership howsoever held to conduct the winding up of its affairs under the supervision of the Court.
- 4 An Injunction to restrain the First and/or Second and/or Third Defendants from disposing of or otherwise dealing, whether by themselves or by their servants or agents or otherwise howsoever, with the Partnership's assets, property and effects (including client monies) howsoever held.
- 5 A declaration that the First and/or Second and/or Third Defendants hold assets of the Partnership (including client monies) as constructive trustees.
- 6 Damages for breach of duty by the First Defendant.
- 7 Alternatively, payment to the Plaintiff by the First Defendant of all sums due to the Plaintiff by way of remuneration for work undertaken by the Plaintiff up to 28 February 2013 and other accrued benefits if, which is denied, the relationship between the First Defendant and the Plaintiff was one of employer and employee.
- 7 8 Interest and costs.

DATED this day 22<sup>nd</sup> day of February 2013

AMENDED this 31<sup>st</sup> day of July 2013

*Maples and Calder*

**Maples and Calder**

**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 495G, George Town, Grand Cayman, KY1-1106, Cayman Islands.
- 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 Plaintiffs 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 overleaf 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 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2013

BETWEEN:

WILLIAM HELFRECHT

Plaintiff

AND

- (1) JAMES CHAPMAN
- (2) BODDEN LITIGATION LTD
- (3) TOUGH & TETUE LTD

Defendants

**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 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

Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

**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.

Maples and Calder  
PO Box 309  
Ugland House  
Grand Cayman, KY1-1104  
Cayman Islands  
  
Ref: AAG/KKW/678372.01

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]