

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

0144

CAUSE NO. FSD \_\_\_\_ OF 2013

BETWEEN:

GOAL REPORTING SERVICE GMBH

SDIC (CAYMAN) LIMITED

Plaintiff



WRIT OF SUMMONS



To the Defendant: SDIC (Cayman) Limited  
c/o Maples Corporate Services Limited  
PO Box 309  
Ugland House, South Church Street  
Grand Cayman KY1-1004, Cayman Islands

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff, of Reichartstraße 2, D-10829 Berlin, Germany, 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 495 GT, 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 6<sup>th</sup> day of November 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.

### STATEMENT OF CLAIM

1. The Plaintiff, GOAL reporting service GmbH, is a financial bookkeeping services provider carrying on business at Reichartstraße 2, D-10829 Berlin, Germany.
2. The Defendant, SDIC (Cayman) Limited, is an exempted Cayman Islands company.
3. In or about July 2008, the Plaintiff and the Defendant entered into a written agreement titled 'Engagement Letter for Financial Bookkeeping Services of Goal reporting service GmbH' (the "**Contract**").
4. The Plaintiff provided bookkeeping services to the Defendant from time to time pursuant to the Contract. The terms of the Contract provide, inter alia, that:
  - a. the Defendant will reimburse the Plaintiff's reasonable costs incurred in providing the financial bookkeeping services plus a margin of 25%; and
  - b. any invoices raised by the Plaintiff would be payable by the Defendant within 10 days of the receipt of the invoices.
5. On 1 November 2010, the Plaintiff issued to the Defendant a final invoice in the amount of €562,749.82 for services provided (the "**Invoice**").
6. Despite repeated demands for payment, the Defendant has failed or refused to pay the Invoice, in full or at all.

AND the Plaintiff claims:

- (i) The principal sum of €562,749.82;
- (ii) Interest on the principal sum of €562,749.82 pursuant to section 34(1) of the Judicature Law (2013 Revision) at the rate of 2.875% per annum from 1 November 2010 to 31 January 2013 and at the rate of 2.25% per annum from 1 February 2013 until payment in full;
- (iii) Costs; and
- (iv) Any further and/or alternate relief this Honourable Court may deem just.

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of €608,656.33 (including interest to 1 November 2013) together with the sums of CI\$5,000.00 paid as the fee on the issue hereof and CI\$500.00 in fixed costs (pursuant to Order 62, rule 7 of the Grand Court Rules) - making a total of €608,656.33 plus CI\$5,500.00 - further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorneys.



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**OGIER**  
Attorneys at Law for the Plaintiff

This Writ of Summons and Statement of Claim was issued by Ogier, Attorneys at Law for the Plaintiff, whose address for service is: 89 Nexus Way, Camana Bay, Grand Cayman KY1-9007, Cayman Islands (Ref: 424437.00001/WJO)

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 Defendants or by the Defendants if acting in person.
2. After completion it must be delivered or sent by post to the Law Courts, PO Box 495 GT, George Town, Grand Cayman.
3. 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.

4. 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 of 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

CAUSE NO. FSD \_\_\_\_ OF 2013

BETWEEN:

GOAL REPORTING SERVICE GMBH

Plaintiff

AND:

SDIC (CAYMAN) LIMITED

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 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 of Summons is being acknowledged.

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2. State whether the Defendant intends to contest or otherwise participate in 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

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Service of the Writ of Summons is acknowledged accordingly.

(Signed) \_\_\_\_\_

Attorney for:  
Address for service:

**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 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.

OGIER  
Attorneys-at-Law  
89 Nexus Way, Camana Bay  
Grand Cayman  
Cayman Islands KY1-9007  
(Reference: 424437.00001 WJO)

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