

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

CAUSE NO. *430* OF 2013

**IN THE MATTER OF SECTION 39 OF THE LIMITATION LAW (1996 REVISION)**

BETWEEN:

**LEONEL BUSH WHITTAKER**

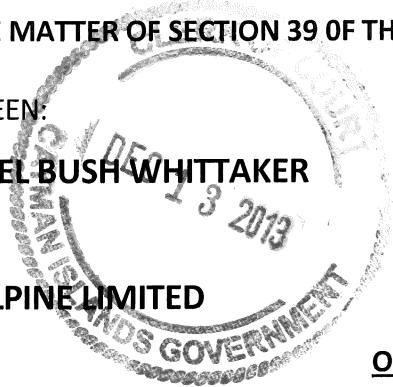
AND:

**MCALPINE LIMITED**



**PLAINTIFF**

**DEFENDANT**



**ORIGINATING SUMMONS**

LET THE DEFENDANT of 253 Dorcey Drive, Industrial Park, P.O. Box 711, George Town attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the \_\_\_ day of 20\_\_ , at \_\_\_ o'clock on the hearing of an application by the Plaintiff whose address is c/o his Attorney-at-law of Trinity Square, Building B-3, Eastern Ave, George Town, P.O. Box 11740 APO, Grand Cayman KY1-1009, that the court directs that the provision of section 13 of the Limitation Law (1996 Revision) shall not apply to the Plaintiff's cause of action herein,

**AND** the cost of the action be cost in the cause.

**AND LET THE DEFENDANT** within [14 days] after service of this summons on him counting the day of service, return the accompanying Acknowledgment of Service to the Courts office.

Dated the 11<sup>th</sup> day of December 2013.

Handwritten signature of Dennis E. Brady in cursive.

Signature of Plaintiff's Attorney

**NOTES:-**

(1) This Summons 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 above date unless renewed by order of the Court.

(2) If a defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

**IMPORTANT**

Directions for Acknowledgment of Service are given with the accompanying form.

**This Originating Summons was issued by Dennis E. Brady, Attorney for the Plaintiff whose address for service is Trinity Square Bldg 3, Eastern Ave, George Town, P.O. Box 11740 APO, Grand Cayman KY1-1009.**

***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 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 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:*

SAMSON & MCGRATH  
5<sup>th</sup> FLOOR GENESIS BUILDING  
GENESIS CLOSE  
PO BOX 446  
GRAND CAYMAN KY1 - 1106  
CAYMAN ISLANDS

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

BETWEEN:

PATRICK GEORGE SMITH

PLAINTIFF

AND:

GREGORY ANTONIO SMITH

FIRST DEFENDANT

PATRICK GEORGE SMITH JNR

SECOND DEFENDANT

**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. Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

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

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

yes

no

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

[Defendant in person]

Address for service:

*Please complete overleaf*