

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN



CASE NO: GC 23 of 2014

LUCIANO CANZANELLA

Plaintiff

And

STEVEN DUANE GREGORY



First Defendant

And

4G HOLDINGS LIMITED

Second Defendant

WRIT OF SUMMONS

TO:

STEVEN DUANE GREGORY
8 TROPICAL CRESCENT
CREWE ROAD
GEORGE TOWN
PO BOX 1149
GRAND CAYMAN, KY1-1503
CAYMAN ISLANDS

AND TO:

4G HOLDINGS
8 TROPICAL CRESCENT
CREWE ROAD
GEORGE TOWN
PO BOX 1149
GRAND CAYMAN, KY1-1503
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 12th day of February 2014

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. On the 26th September 2013, the Defendants, by their promissory note, promised jointly and severally to pay the Plaintiff the sum of US\$53,400 in the following manner; namely:
 - i. the sum of US\$2,400 upon signing of the promissory note;
 - ii. The sum of US\$3,000 on the 15th October 2013;
 - iii. The sum of US\$2,000 on the 15th and 30th of each month thereafter, save in February 2014 when payments shall be made on the 15th and 28th of the month, until the debt is settled.
2. Further, by the same note they promised that in the event of default the Defendants shall make payment of the entire sum due.
3. The note further provided that in the event of repayment due to default being demanded, the Defendants shall be liable to pay compounded interest at the rate of 15% monthly on the sum outstanding.
4. The Defendants made default in payment of the installment due on the 15th December 2013.
5. On the 14th of January 2014 by letter sent by Dinner Martin Attorneys on behalf of the Plaintiff, the Plaintiff gave the Defendants notice of dishonour of the note and declared the entire sum due and owing.
6. **PARTICULARS.**
 - 6.1 Principal sum due US\$42,000 (Forty Two Thousand United States Dollars).
 - 6.2 Interest owing thereon of US\$207.12 as of the date of issue of this Writ.
7. The Plaintiff also claims compounded interest on the said sum owing at 15% per calendar month pursuant to the terms of the 26 September 2013 promissory note.
8. In breach and / or default and dishonour of the Promissory Note, the Defendants have failed or refused to pay the sum of US\$42,000 that remains due and owing to the Plaintiff.

STATEMENT REGARDING INTEREST

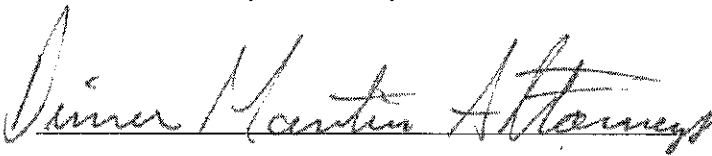
9. a) The Plaintiff seeks pre and post judgment compounded interest from the date of issue of the plaint in accordance with the terms of the note at 15% per calendar month on the unpaid balance until payment and in accordance with the provisions of the Judicature Law (2007 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.
- b) The interest rate claimed is compounded interest of 15% or in the alternative as per the Judgment Debt (Rates of Interest) Rules at 2 3/8% per annum.
- c) Interest is claimed from the 30th January 2014
- d) The amount of interest owing at date of issue of this plaint is US\$207.12
- e) The amount of interest accruing each day following the issue of this plaint is US\$17.26.

AND THE PLAINTIFF'S CLAIM:

- (i) The said sum of US\$42,000
- (ii) Pre and post judgment Interest on the said sum of US\$42,000 in accordance with the Judicature Law (2007 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.
- (iii) Costs.

If within the time for returning Acknowledgement of Service the Defendants pay to the plaintiff Attorneys-at-Law the total amount claimed of US\$42,000 (together with interest and costs of US\$4,000.00) all further proceedings will be stayed.

Dated this 12th day of February 2014



Dinner Martin Attorneys

THIS WRIT OF SUMMONS is filed by Dinner Martin Attorneys, attorneys for the Plaintiff, whose address for service is that of its said attorneys, namely Dinner Martin Attorneys of 3rd Floor, One Capital Place, Shedden Road, P.O. Box 10190, Grand Cayman KY1-1002 Cayman Islands [Our reference 1034-0001].

**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 495GT, 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 (ie., 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 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
BETWEEN

LUCIANO CANZANELLA

CASE NO: GC of 2014

Plaintiff

And

STEVEN DUANE GREGORY

First Defendant

And

4G HOLDINGS LIMITED

Second 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.

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

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

yes

no

Service of the Writ 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.

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

Dinner Martin Attorneys
3rd Floor, One Capital Place
P.O. Box 10190
Grand Cayman KY1-1002

Attention: David Dinner

Reference: 1034-0001

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