

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO:

G-0039

OF 2014

BETWEEN:

FACEY-CLARKE & ASSOCIATES LTD

PLAINTIFF

AND:

ANNE PENGELLY-AITMESSAOD

DEFENDANT



WRIT OF SUMMONS



TO: Mrs. Anne Pengelly-Aitmessaoud
37 Run-a-Way Close
Off Fairbanks Road, George Town
P.O. Box 31265, Grand Cayman KY1-1206
Tel: 925 1595
Email: annepengelly46@hotmail.com

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 19th day of March, 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. The Plaintiff was at all material times a company registered under the laws of the Cayman Islands and provides legal services in the Cayman Islands. The Defendant was at all material times a client of the Plaintiff.
2. By oral agreement, on 17th November, 2011, the Defendant retained the services of the Plaintiff to represent her in divorce proceedings in Cause No. Fam 225 of 2011.
3. It was agreed between the parties that the Plaintiff would perform legal services at the rate of CI\$350.00 per hour. In addition to legal fees, the Defendant agreed to pay all other fees and expenses incurred.
4. The Defendant paid the initial retainer of CI\$2,500.00 which was accepted by the Plaintiff.
5. The Plaintiff commenced proceedings in the Grand Court on 23rd November, 2011 as instructed by the Defendant.
6. The Plaintiff verbally agreed with the Defendant that the Defendant could pay its legal fees and expenses by way of monthly installments.
7. The Defendant paid CI\$500.00 per month and that was accepted by the Plaintiff.
8. The Plaintiff submitted the following invoices to the Defendant for legal services rendered:

30 th March, 2012	CI\$19,300.00
31 st December, 2012	CI\$44,297.50
23 rd May, 2013	CI\$16,885.00
21 st January, 2014	<u>CI\$ 1,137.50</u>
	CI\$81,620.00

9. The Plaintiff gave the Defendant discount in the amount of CI\$3,105.00. The Defendant paid a total of CI\$15,125.00 towards the outstanding sums inclusive of the initial retainer by way of installments up to around March, 2013.
10. The total amount of **CI\$63,390.00** remains due and owing. Despite efforts to collect the said amounts, the Defendant refused to settle the outstanding sum.

11. The Defendant is in breach of the oral agreement entered into on 17th November, 2011 and is liable to the Plaintiff for damages, interests and costs.
12. The Plaintiff claims interest on all sums due pursuant to the Judicature Law.

AND THE PLAINTIFF claims:

1. Damages in the sum of **CI\$63,390.00**
2. Pre and Post-Judgment Interest
3. Costs

Dated this 19th day of March, 2014

Facey-Clarke & Associates

FACEY-CLARKE & ASSOCIATES
Attorneys-at-Law for the Plaintiff

This Writ of Summons was filed by Facey-Clarke & Associates, Attorneys-at-Law for the Plaintiff herein whose address for service is that of the said Attorneys-at-Law, Ground Floor, Unit 119, Elizabethan Square, George Town, Grand Cayman

CAUSE NO:

G0039

OF 2014

BETWEEN: FACEY-CLARKE & ASSOCIATES LTD PLAINTIFF

AND: ANNE PENGELLY-AITMESSAOUD 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 is being acknowledged.

 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
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Service of the Writ is acknowledged accordingly

(Signed).....
Attorney for the Defendant

Please complete overleaf

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.

Facey-Clarke & Associates
Barristers & Attorneys-at-Law
P.O. Box 2545, Grand Cayman KY1-1104
Unit 119, Ground Floor, Elizabethan Square,
80 Shedden Road, George Town, Grand Cayman
Cayman Islands, B.W.I.
Email: mclarke@candw.ky
Tel: 345 946 8111 or 917 6351)

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]