

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 364 OF 1995

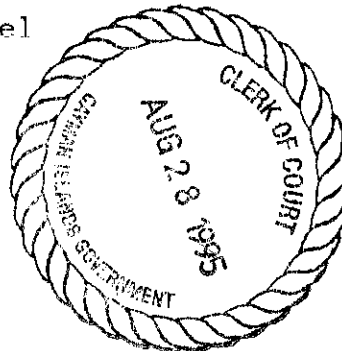
BETWEEN: CLAUDE WALTERS - PLAINTIFF
AND: JAMES COXE T/A
COXE'S TOOLS & EQUIPMENT
AND NATURE'S BEST
LANDSCAPING - DEFENDANT

WRIT OF SUMMONS

TO: James Coxe
T/A Coxe's Tools & Equipment and Nature's Best
Landscaping,
C/O Cayman Tours & Travel
The Village
George Town
Grand Cayman

OR

414 Ocean Club,
Spotts
Grand Cayman



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 495G, George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the

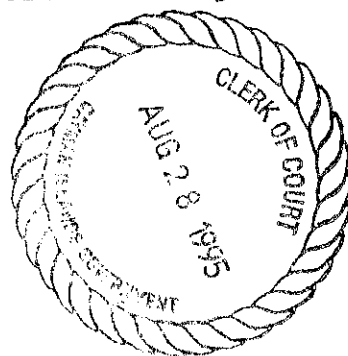
Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.

Issued this 28th day of August, 1995.

NOTE - This Writ may not be served later than 4 calendar months

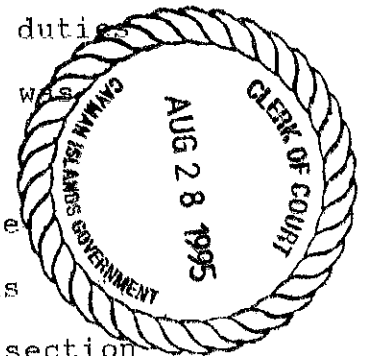
IMPORTANT

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



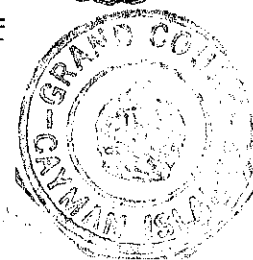
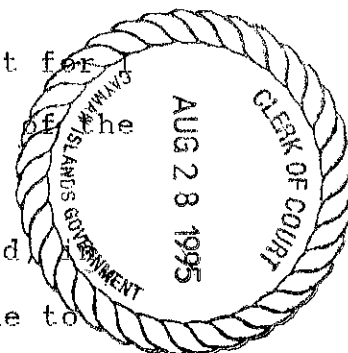
STATEMENT OF CLAIM

1. The Plaintiff is a Landscaper/Driver who currently resides at George Town, Grand Cayman and at the material time he was an employee of the Defendant.
2. The Defendant is a businessman who trades as Coxe's Tools and Equipment and Nature's Best Landscaping, and at the material time the Defendant was the Plaintiff's employer.
3. The Plaintiff was employed by the Defendant for approximately 1 year and 2 months from 22nd November, 1993 to 17th January, 1995, as a Driver/Landscaper. On 17th January, 1995 the Plaintiff left his employment with the Defendant, because of the disrespectful and unpleasant manner in which he was treated by the Defendant. Despite the terms of section 6 of the Labour Law, the Plaintiff was never given a written indication or statement of his duties with the Defendant. The Plaintiff will aver that he was employed as a Landscaper/Driver with the Defendant.
4. There was a verbal contract of employment between the Plaintiff and the Defendant whereby the Plaintiff was to be allowed annual holiday pay in accordance with section 15 of the Labour Law. In breach of this provision, the Plaintiff was not allowed any period of vacation with holiday pay since the date of his employment. The Plaintiff therefore avers that he is entitled to 2 weeks holiday pay based on his term of employment with the Defendant of 1



year and 2 months.

5. The Plaintiff, in breach of the provisions of the Immigration Law, was required by the Defendant to pay \$300.00 for his own work permit which amount is being claimed now.
6. The Plaintiff, having been employed with the Defendant for year and 2 months was also entitled, under section 35 of the Labour Law to severance pay of one week.
7. The Plaintiff will aver that he was unfairly dismissed that he was forced to terminate his own employment due to the Defendant's disrespectful and unpleasant treatment of him.
8. A Labour Hearing was held by the Director of Trade and Labour on 4th July, 1995 in relation to this matter at which time, both the Plaintiff and the Defendant appeared and gave evidence. At the conclusion of the Hearing, the Director of Trade and Labour concluded that the Plaintiff was entitled to four days pay (less (\$60.00) = \$140.00, payment for 18 public holidays = \$900, vacation pay for period worked, i.e. 1 year and 2 months = \$751.46, reimbursement of work permit fees of CI\$300.00., severance pay of \$325.00, and compensation of \$376.11 for unfair dismissal. The Director also observed that JA \$10,000.00 (CI\$248.48) should be deducted from this amount, as it is agreed that this amount was owed to the Defendant. The



Plaintiff will rely on the transcript of the said proceedings held before the Director of Trade and Labour for their full terms and effects.

9. Despite the decision of the Director of Trade and Labour, the Defendant has not paid any of the money. The money is still due and outstanding to the Plaintiff.

AND THE PLAINTIFF CLAIMS:

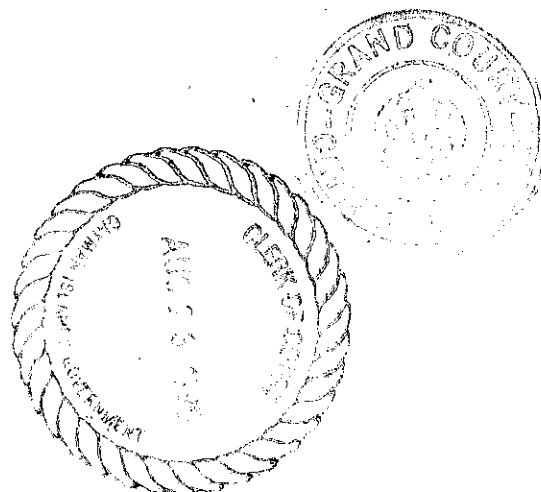
(a) Four Days pay (less \$60.00)	\$ 140.00
(b) Payment for 18 public Holidays	\$ 900.00
(c) Vacation pay for period worked	\$ 751.46
(d) Reimbursement for work permit fees	\$ 300.00
(e) Severance pay	\$ 325.00
(f) Compensation for Unfair dismissal	\$ 376.11
(g) Interest pursuant to the Judicature Law	\$
(h) Costs	\$
	<hr/>
	\$2,792.57
LESS	\$ 248.48
	<hr/>
	\$2,544.09

Dated this 28th day of August, 1995.

Brooks & Brooks

BROOKS & BROOKS
Attorneys-At-Law
for the Plaintiff

PLEASE NOTE that if within the time for returning the Acknowledgement of Service (i.e 14 days) the Defendant pays the total amount claimed of \$2,792.57 plus costs of CI\$500.00 and disbursements of CI\$130.00. (Total of CI\$3,422.57 including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney-At-Law.



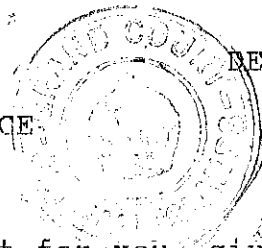
THIS WRIT WAS ISSUED by Brooks & Brooks Attorneys-At-Law for the Plaintiff whose address for service is 2nd Floor Harbour Centre, P.O. Box 1355, George Town, Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 364 OF 1995

BETWEEN: CLAUDE WALTERS - PLAINTIFF

AND: JAMES COXE T/A
COXE'S TOOLS & EQUIPMENT
AND NATURE'S BEST
LANDSCAPING



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. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

Delay may result in judgement 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 judgement entered by the Plaintiff (tick box)

yes

Service of the Writ is acknowledged accordingly

(Signed)

[Attorney] for

[Defendant in person]

Address for service:

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

Brooks & Brooks
Attorneys-at-Law
P.O. Box 1355, G.T.,
Grand Cayman.

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

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 1995

- (a) Filed on behalf of the Plaintiff
- (b) Deponent -
- (c) Affidavit: # 1
- (d) Sworn on:

BETWEEN: CLAUDE WALTERS - PLAINTIFF

AND: JAMES COXE T/A
COXE'S TOOLS & EQUIPMENT
AND NATURE'S BEST
LANDSCAPING - DEFENDANT

AFFIDAVIT OF SERVICE

I, _____, of George Town Grand
Cayman MAKE OATH AND SAY as follows:-

1. That I am a Bailiff of the Grand Court of George Town, Grand Cayman.
2. That on the _____ day of _____, 1995 I did personally serve on JAMES COXE T/A COXE'S TOOLS & EQUIPMENT AND NATURE'S BEST LANDSCAPING, the Defendant in this matter, a sealed copy of the Writ of Summons filed in this Cause by handing same to him/it at

3. That the said JAMES COXE T/A COXE'S TOOLS & EQUIPMENT
AND NATURE'S BEST LANDSCAPING, is known to me
personally or was identified to me by

AND I MAKE this Affidavit in proof of service of due process
upon the Defendant.

Sworn to at George Town
Grand Cayman this
day of _____, 1995
before me

BAILIFF OF THE COURT

JUSTICE OF THE PEACE

Filed by Brooks & Brooks, Attorneys-at-Law for the Plaintiff
whose address for service is 2nd Floor Harbour Centre P.O. Box
1355, George Town Grand Cayman