

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 155 OF 2014

B E T W E E N:

KANSAS PACKING LLC

Plaintiff

AND

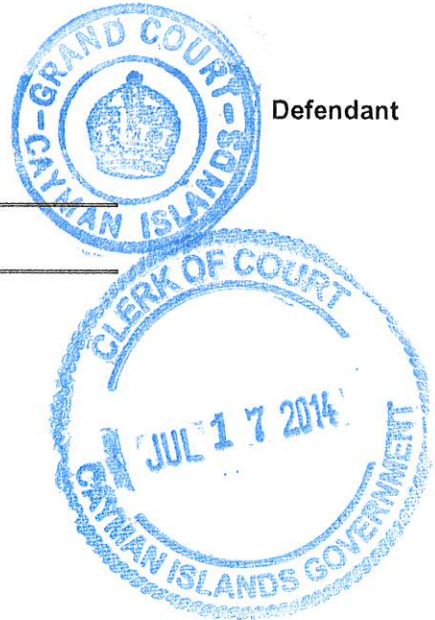
KING IMPORTS LTD.

Defendant

WRIT OF SUMMONS

TO:

King Imports Ltd.
#A9/10 Kingbird Warehouse
Kingbird Drive
P.O. Box 31448 SMB
Grand Cayman KY1-1206
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, PO Box 495, Grand Cayman, KY1-1106, Cayman Islands, 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 judgment may be entered against you forthwith without further notice.

Issued this day of 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 Acknowledgement of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff is and was at all material times a company organised and carrying on business pursuant to the New Jersey Limited Liability Company Act of the State of New Jersey, United States of America. The Plaintiff's address for service is care of its attorneys, HSM Chambers, Suite 3 Buckingham Square, 720 West Bay Road, PO Box 31726, Grand Cayman, KY1-1207, Cayman Islands.

2. The Defendant is and was at all material times a company organised and carrying on business pursuant to the laws of the Cayman Islands. The Defendant's registered office is #A9/10 Kingbird Warehouse, Kingbird Drive, P.O. Box 31448, Grand Cayman, KY1-1206, Cayman Islands.

3. On various dates in April, May and June 2014, the Defendant ordered food products from the Plaintiff. It was a term that payment would be made within 30 days of the date of the invoice, failing which interest would accrue at 1.5% interest rate per calendar month on the outstanding amount.

4. The Plaintiff supplied food products to the Defendant as detailed on the following invoices:

<u>Invoice No.</u>	<u>Date</u>	<u>Amount</u>
28386	23 April 2014	US\$26,358.66
28335	30 April 2014	US\$14,811.18
22385	7 May 2014	US\$35,018.36
28482	14 May 2014	US\$20,786.75
22430	19 May 2014	US\$14,676.49
22438	20 May 2014	US\$15,890.00
22445	20 May 2014	US\$344.25

22476	28 May 2014	US\$19,802.97
22495	2 June 2014	US\$7,693.30
22500	4 June 2014	US\$1,613.75
22535	11 June 2014	US\$16,847.39
28834	26 June 2014	US\$375.00
		Total – US\$173,293.10

5. The Defendant defaulted on the terms of payment and as of the date of the commencement of this proceeding, the Defendant owes to the Plaintiff the principal sum of US\$173,293.10 plus interest of US\$2,613.27, namely US\$175,906.37.
6. Notwithstanding a demand for payment made prior to the commencement of these proceedings, the Defendant has either failed or neglected to make payment to the Plaintiff.
7. As a result of the above, the Plaintiff is entitled to the relief claimed in this proceeding.

AND THE PLAINTIFF CLAIMS:

- a) US\$173,293.10 being the principal sum due as of 16 July 2014;
- b) US\$2,613.27 interest from 23 May 2014 to 16 July 2014 at the rate of 1.5% per calendar month pursuant to paragraph 3 above;
- c) Pre and post judgment interest from 17 July 2014 at the rate of 1.5% per calendar per calendar month pursuant to paragraph 3 above;
- d) Costs on a standard basis in accordance with the Court Costs Rules 2001; and
- e) Such further and other relief as this Court may deem just.

H. B. M Chambers.

HSM Chambers
Attorneys for the Plaintiff

INDORSEMENT

The principal amount claimed in respect of the debt is US\$173,293.10 plus interest of US\$2,613.27 as of 16 July 2014. The amount of the filing fees to commence the proceeding is CI\$200.00, plus ad valorem fees of US\$1,375.40. If, within the time for returning the acknowledgement of service, the defendants pay the plaintiff or its attorneys-at-law the total amount claimed in principal, interest and the costs of issuing the Writ of Summons, further proceedings will be stayed. The money must be paid to the plaintiff or to its attorneys-at-law.

INDORSEMENT REGARDING INTEREST

1. The contractual term upon which interest is claimed is as set out in paragraph 3 above;
2. The prescribed rate of interest is 1.5% per calendar month;
3. The date from which interest is payable is 30 days from the date of each invoice as set out in paragraph 4;
4. The total interest claimed as at 16 July 2014 is US\$2,613.27.

Acknowledgment of service of writ of summons (O.12, r.3)

**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 each Defendant or by each Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, PO Box 495 GT, 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 (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.

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 Acknowledgement 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 in 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 its 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.

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 communication 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.

HSM Chambers Attorneys-at-Law Suite 3 Buckingham Square 720 West Bay Road PO Box 31726 George Town Grand Cayman KY1-1207 CAYMAN ISLANDS Ref: [DB/418316.0002]

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

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