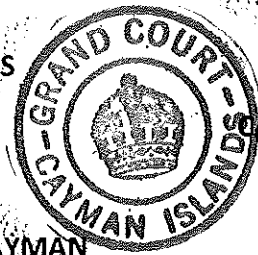


IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO: *00016* OF 2015

BETWEEN: CARIBBEAN BEVERAGE CAYMAN

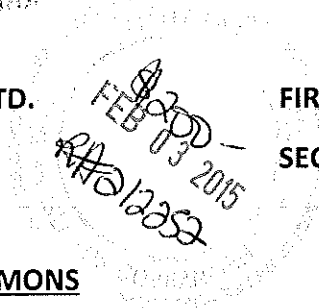
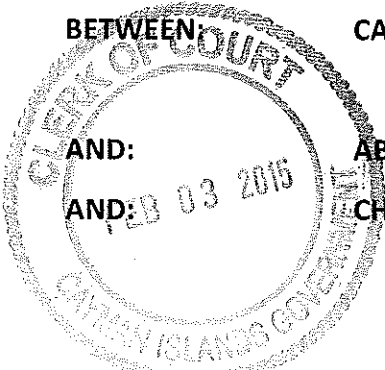
PLAINTIFF

AND: ABS TRADE & COMEMERCE LTD.

FIRST DEFENDANT

AND: CHRIS POPE

SECOND DEFENDANT



**WRIT OF SUMMONS**

TO: ABS Trade & Commerce Ltd. and Chris Pope  
OF: PO Box 30442, Grand Cayman KY1-1202  
C/O Cubano Airtours, Eucalyptus Building, Shedden Road, George Town  
C/O Dart Realty (Cayman) Ltd., Camana Bay, George Town, 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 following 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 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 3<sup>rd</sup> day of February, 2015.

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.

**THIS WRIT** is issued by Natasha N. Bodden, Attorney-at-Law, attorney for the Plaintiff, whose address for service is 5<sup>th</sup> Floor, Genesis Building, George Town, Grand Cayman.

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

**CAUSE NO:                      OF 2015**

**BETWEEN:                      CARIBBEAN BEVERAGE CAYMAN                      PLAINTIFF**

**AND:                              ABS TRADE & COMEMERCE LTD.                      FIRST DEFENDANT**

**AND:                              CHRIS POPE    SECOND DEFENDANT**

---

**STATEMENT OF CLAIM**

---

1. The Plaintiff (represented by Mr. Christian Esser, Sales Manager and Mr. Udo Wagner, Financier) entered into an agreement with the First Defendant (represented by the Second Defendant, Mr. Chris Pope), on 25<sup>th</sup> September 2014.
2. The Defendants agreed to supply to the Plaintiff an order of alcoholic beverages from Cuba, as per invoice #536526 within three (3) weeks of payment being made.
3. The Plaintiff paid the Defendants the sum of US\$26,678.16 in relation to invoice #536526. This sum was paid on 25<sup>th</sup> September 2014.
4. The Defendants represented to the Plaintiff that the goods would be delivered within three (3) weeks from the date of order, being 25<sup>th</sup> September 2014. Therefore the goods were to be delivered by 17<sup>th</sup> October, 2014.
5. By the due date of 17<sup>th</sup> October, 2014, the goods had not yet been supplied. The Plaintiff wrote to the Defendants by email and asked for a refund as the goods had not been delivered and the Defendants failed to provide the Plaintiff with a definite timeframe within which delivery could be expected.
6. The Defendants' response was that the Plaintiff would receive a refund but that any further business between the Parties would not be possible. The Plaintiff allowed the Defendants additional time for delivery at the request of the Defendants.

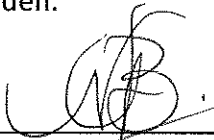
**THIS STATEMENT OF CLAIM** is issued by Natasha N. Bodden, Attorney-at-Law, attorney for the Plaintiff, whose address for service is 5<sup>th</sup> Floor, Genesis Building, George Town, Grand Cayman.

7. After numerous correspondence between the two parties, and without the goods ever having been delivered, the Plaintiff was extremely dissatisfied with the quality of service provided by the Defendants. The Defendants had given a number of different delivery dates and then a number of different reasons why the dates provided could not be kept.
8. As of date of filing, 3<sup>rd</sup> February, 2015, there has been no delivery of goods to the Plaintiff by the Defendants, nor have the Defendants provided a refund of funds paid for the goods in relation to invoice #536526, being US\$26,678.16.
9. The Plaintiff seeks and is entitled to interest pursuant to section 34 of the Judicature Law (2013 Revision) at the rate of 2.375%, amounting to US\$36.33 as at 2<sup>nd</sup> February, 2015 and continuing at the daily rate of \$1.73 per day until judgment or sooner payment, alternatively at such rate from such date and on such amount as this honourable Court thinks fit.

**AND THE PLAINTIFF CLAIMS:**

1. US\$26,678.16 as a refund for services not provided by the Defendant;
2. Interest pursuant to section 34 of the Judicature Law (2013 Revision) at the rate of 2.375%, amounting to US\$36.33 as at 2<sup>nd</sup> February, 2015 and continuing at the daily rate of \$1.73 per day until judgment or sooner payment, alternatively to be assessed;
3. Costs;
4. Such further or other relief as this honourable Court thinks fit.

If, within the time for returning the Acknowledgment of Service (being 14 days), the Defendant pays the total amount claimed of US\$26,714.49 (including interest and costs), further proceedings will be stayed. The money must be paid to the Plaintiff's attorney, Natasha N. Bodden.



---

**NATASHA N. BODDEN**  
**ATTORNEY-AT-LAW**

Dated: 3<sup>rd</sup> February, 2015

Filed: 3<sup>rd</sup> February, 2015

**THIS STATEMENT OF CLAIM** is issued by Natasha N. Bodden, Attorney-at-Law, attorney for the Plaintiff, whose address for service is 5<sup>th</sup> Floor, Genesis Building, George Town, Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2015

BETWEEN: CARIBBEAN BEVERAGE CAYMAN

PLAINTIFF

AND: ABS TRADE & COMEMERCE LTD.

FIRST DEFENDANT

AND: CHRIS POPE

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.

ABS TRADE & COMMERCE LTD

FIRST DEFENDANT

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 box)

yes

no

Service of the Writ is acknowledged accordingly

(Signed).....  
First Defendant or Attorney for First 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.

Natasha N. Bodden, Attorney-at-Law  
5<sup>th</sup> Floor, Genesis Bldg, George Town  
PO Box 30796, Grand Cayman KY1-1204  
CAYMAN ISLANDS

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

BETWEEN: CARIBBEAN BEVERAGE CAYMAN

PLAINTIFF

AND: ABS TRADE & COMEMERCE LTD.

FIRST DEFENDANT

AND: CHRIS POPE

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.

CHRIS POPE

SECOND DEFENDANT

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 box)

yes

no

Service of the Writ is acknowledged accordingly

(Signed).....

Second Defendant or Attorney for Second 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.

Natasha N. Bodden, Attorney-at-Law  
5<sup>th</sup> Floor, Genesis Bldg, George Town  
PO Box 30796, Grand Cayman KY1-1204  
CAYMAN ISLANDS

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

**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 495G, 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 (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 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 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.