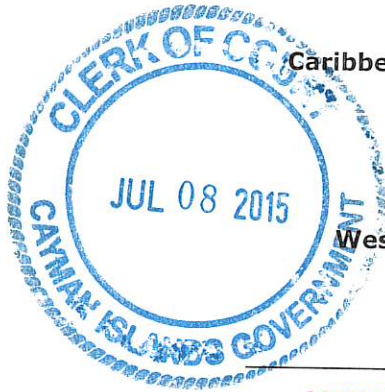


AMENDED PURSUANT TO GCR O.20, r.1(1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: G0115 OF 2015

BETWEEN:



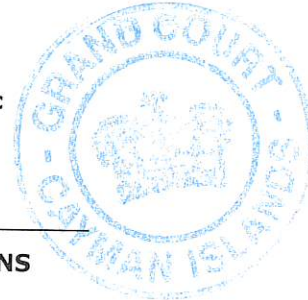
Caribbean Utilities Company, Ltd.

Plaintiff

-and-

WestTel Limited t/a Logic

Defendant



**AMENDED WRIT OF SUMMONS**

TO: WestTel Limited t/a Logic  
Corpserve Limited,  
40 Linwood Street,  
George Town,  
PO Box 2503  
Grand Cayman,  
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 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 7<sup>th</sup> day of July 2015.  
Reissued this 8<sup>th</sup> day of July 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.

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**AMENDED STATEMENT OF CLAIM**

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1. The Plaintiff is the public electricity utility for Grand Cayman.
2. The Plaintiff owns electricity poles situated across the islands.
3. The Defendant has attached apparatus for use in connection with its business to the Plaintiff's poles without permission.
4. The attachments are made many feet above ground. In order to attach the poles have to be mounted by an engineer and the attachments are fixed either by attaching into or onto the poles.
5. The processes of mounting and attaching are a trespass to the Plaintiff's poles.
6. The Plaintiff's **sublicencee, DataLink, Ltd.** has asked the Defendant in writing to desist and confirm that it will not attach apparatus except with permission.
7. The Defendant has refused to desist and refused to provide confirmation that it will not attach without permission.
8. The Plaintiff fears that the attachments will continue unless restrained by an order of this Court.

**AND THE PLAINTIFF CLAIMS**

- (1) An order restraining the Defendant from attaching anything to the Plaintiff's poles without permission.
- (2) Damages.
- (3) Such further or other relief as the Court thinks fit.

*Appleby (Cayman) Ltd.*  

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**Appleby (Cayman) Ltd.**  
**Attorneys-at-Law for the Plaintiff**

**THIS AMENDED WRIT** was issued by Appleby, Attorneys-at-Law for the Plaintiff, whose address for service is that of their Attorneys-at-Law, Clifton House, 75 Fort Street, PO Box 190, Grand Cayman, KY1-1104, Cayman Islands. (Ref: PMQC/JHS/318542.0002)

**Acknowledgement of Service of Writ of Summons (0.12, 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 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 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.

BETWEEN:

Caribbean Utilities Company, Ltd.

Plaintiff

-and-

WestTel Limited t/a Logic

Defendant

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ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS

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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.

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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

Please complete overleaf

