

IN THE GRAND COURT OF THE CAYMAN ISLANDS

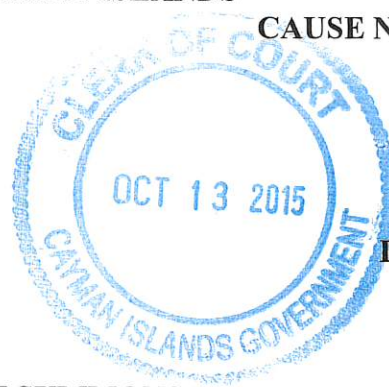
CAUSE NO 181 OF 2015

BETWEEN: TURNERS (a firm)

PLAINTIFF

AND: JAMES CHAPMAN

DEFENDANT



WRIT OF SUMMONS

TO: JAMES CHAPMAN P.O. Box 742, Grand Cayman KY1-1303, 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, George Town, Grand Cayman KY1-1106, 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 13th day of October 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.

PARTICULARS OF CLAIM

1. The Plaintiff is a firm which at all material times carried on business as attorneys of the Grand Court of the Cayman Islands.
2. In or around January 2013, the Defendant contacted the Plaintiff, requesting legal advice and assistance in relation to a partnership dispute.
3. The Plaintiff entered into an agreement with the Defendant to provide such advice and assistance, subject to the terms of an agreement being contained in the Plaintiff's standard letter of retainer dated 30 January, 2013, signed and returned to the Plaintiff firm by the Defendant on 1 February, 2013.
4. The Plaintiff firm's standard terms of business incorporate express terms which provide, amongst other things, that payment would fall due within 30 days of receipt of an interim or final invoice; and contractual interest at the rate of 6% per annum ("the Contract Rate") would accrue on invoices outstanding after 60 days.
5. The Plaintiff delivered the following final invoice to the Defendant:


Invoice 6823 dated 3 June 2014 in the sum of US\$95,811.77 which remains wholly outstanding despite reminders from the Plaintiff.
6. The Defendant is indebted to the Plaintiff in the principal sum of US\$95,811.77.
7. The Defendant has not stated any grounds upon which the Plaintiff's invoice is disputed

8. The Defendant has failed to make payment of the outstanding invoice despite reminders and a formal letter of demand from the Plaintiff dated 6 August 2015.
9. Therefore, the Defendant has not discharged the debt owing to the Plaintiff and the Defendant is indebted as at 12 October September 2015 in the principal sum of US\$95,811.77.

AND THE PLAINTIFF claims

1. The sum of US\$95,811.77 in respect of the outstanding invoice.
2. Interest at the Contract Rate of 6% for the period from 3 June 2014 to 12 October 2015, amounting to US\$7811.95, together with further interest at the Contract Rate in accruing on a daily basis at the rate of US\$15.75 per day until the date of judgment.
3. Alternatively, such other damages and/or interest as the court considers just.
4. Costs.
5. Such further or other relief as this Honourable Court deems just.

DATED this 13th day of October 2015



TURNERS
Attorneys-at-Law as the Plaintiff

THIS WRIT was issued by Turners, Attorneys-at-law as the Plaintiff whose address for service is Strathvale House, 90 North Church Street, George Town, Grand Cayman, Cayman Islands.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO OF 2015

BETWEEN: TURNERS (a firm) PLAINTIFF

AND: JAMES CHAPMAN 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

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)

[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 o, 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.

Turners
Strathvale House
90 North Church Street
PO Box 2636
Grand Cayman KY1-1102

Ref: AD/as/0809-0001

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]

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO OF 2015

BETWEEN: TURNERS PLAINTIFF

AND: JAMES CHAPMAN DEFENDANT

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, PO 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 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 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 Questions 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

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 and 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 not 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.