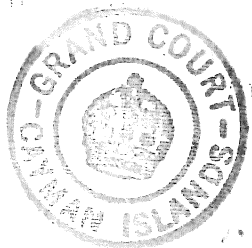


IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO: ADM 38 OF 2017  
ADK 1/2017

BETWEEN:

RISLEY LIMITED  
(owner of MV SAGA)

PLAINTIFF

AND:

PORT AUTHORITY OF THE CAYMAN ISLANDS

DEFENDANT

WRIT OF SUMMONS

TO: Port Authority of the Cayman Islands  
45A Harbour Dr  
Grand Cayman  
Cayman Islands  
PO BOX 1358  
KY1-1108



THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of 102 Aarti Chambers, Mont Fleurie, Victoria, Mahe, Seychelles 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 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: 23 February 2017

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.

## GENERAL INDORSEMENT

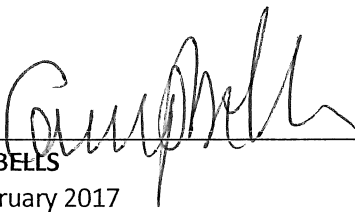
**THE PLAINTIFF'S CLAIM** as owner of the MV SAGA, registered in Kingstown, St. Vincent & the Grenadines ("**SAGA**") is for:

- 1 Damages including consequential losses suffered as a result of the SAGA's liability to restore damaged coral reef in respect of damage to and loss suffered by SAGA whilst embarking from a berth at Hog Sty Bay in the Port of George Town, as a result of and following her grounding on 25 November 2016 at approximately 5.40am EST in the vicinity of N19.29351<sup>o</sup> W81.38723<sup>o</sup> in or about the port of George Town, Grand Cayman (the "**Incident**") whilst under the direction of the servants or agents of the Defendant, including whilst under towage.
- 2 An indemnity in respect of or equitable contribution towards any liability incurred by SAGA, its Master, servants or agents to any third party arising as a result of the Incident and its sequellae, including, for the avoidance of doubt any liability which may arise under the provisions of the National Conservation Law, 2013.
- 3 Interest pursuant to section 34 of the Judicature Law (2013 Revision)
- 4 Such further and/or other relief as this Honourable Court deems appropriate

caused or contributed to by the negligence and/or breach of statutory duty arising out of the conduct of the Defendant its servants or agents, including, but not limited to:

- 1 Failing in the general management of the Port of George Town, the establishment and control of day markers and lighting and the establishment and supervision of safety measures in respect of vessels in and about the Port of George Town in that there were inadequate or missing marker buoys:

- 1.1 in or about the channel leading from open waters to the dock at Hog Sty Bay in the Port of George Town
  - 1.2 marking the reef formations in or around the area of Hog Sty Bay, including in particular, Paradise Reef.
- 2 Failing in the general management and control of the Port of George Town, the general supervision of vessels located in territorial waters and the control of berths in Hog Sty Bay by:
- 2.1 Instructing SAGA to stop her engines when she was attempting to reverse away from the initial site of the Incident under her own power, causing her to lose steering in windy conditions and to exacerbate the seriousness of the Incident as she was blown further on to the reef and
  - 2.2 Directing the tugs to tow SAGA sideways across a wider area of the top of the reef than had been affected by the initial Incident and the effect of the loss of steerage referred to above, again exacerbating the seriousness of the Incident.
  - 2.3 Failing to ensure that users of the Port of George Town, can navigate to and from the Port of George Town safely.

  
CAMPBELLS  
23 February 2017



**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.

Campbells  
Floor 4, Willow House  
PO Box 884  
George Town  
Grand Cayman KY1-1103  
(Ref: KAH/aw/15962-25957)

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]

## 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.