

IN THE GRAND COURT OF THE CAYMAN ISLANDS
BETWEEN:

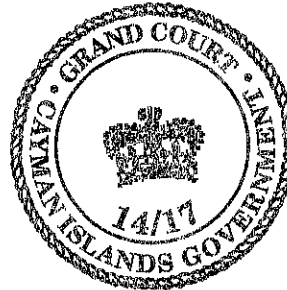
CAUSE NO: 20 OF 2018



HSM CHAMBERS

-and-

AARON KNAPIK



PLAINTIFF

DEFENDANT

WRIT OF SUMMONS

TO: Aaron Knapik, 89 Nexus Way, 2nd Floor, Camana Bay, 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 5th day of February 2018.

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 of SUMMONS was issued by HSM Chambers on behalf of the Plaintiff whose address for service is 68 Fort Street, George Town, PO Box 31726, Grand Cayman KY1-1207, Cayman Islands.

STATEMENT OF CLAIM

1. At all material times, the Plaintiff is a law firm engaged in the provision of legal services and licensed to practice under the Legal Practitioners Law (2015 Revision).
2. By a contract contained in an engagement letter with terms of business appended thereto (the "Contract") and executed on 8th May 2017, the Plaintiff agreed to provide legal services to the Defendant and to act as his attorneys ("Services") as follows:-
 - 2.2 in an appeal against the final Judgment of Mr. Justice Williams arising from ancillary relief proceedings (the "Judgment"); and,
 - 2.3 in Section 10 Children Law proceedings in which the Petitioner sought a variation of a shared residency order made by Mr. Justice McMillan in December 2015.
3. The Contract contained express terms as to the hourly rates to be applied for Services rendered and specifically, that invoices issued by the Plaintiff to the Defendant were payable within 14 days.
4. Moreover, by the Contract, the following express term regarding interest applied: *Subject to local regulatory requirements or restrictions, we reserve the right to charge interest of ten percent to any outstanding balance not settled within 14 days of our invoice being rendered and to adjust the interest rate from time to time.*
5. As a result of work undertaken in connection with the Services, the Plaintiff issued corresponding invoices to the Defendant for payment as aforesaid.
6. In breach of Contract, the Defendant has failed to make payment to the Plaintiff and as at the date of this Writ of Summons, the Defendant owes to the Plaintiff the sum of US\$60,071.43.

AND THE PLAINTIFF CLAIMS:

1. In breach of contract, the amount of US\$60,071.43, being the principal sum due;
2. Contractual interest at the rate of 10% per annum;
3. Pre-Judgment interest from February 2nd 2018 at the rate of 10% per annum in the amount of US\$16.46 per day;

THIS WRIT of SUMMONS was issued by HSM Chambers on behalf of the Plaintiff whose address for service is 68 Fort Street, George Town, PO Box 31726, Grand Cayman KY1-1207, Cayman Islands.

4. Costs;
5. Such further or other relief as this Court may deem fit.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of US\$60,271.43 (including interest and issue of the Writ, US\$200) further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.

Dated this 5th day of February 2018

HSM Chambers

HSM Chambers

TO: The Clerk of the Court
AND TO: The Defendant

IN THE GRAND COURT OF THE CAYMAN ISLANDS
BETWEEN:

CAUSE NO: OF 2018

HSM CHAMBERS

PLAINTIFF

-and-

AARON KNAPIK

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.

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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.
 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.....

Please complete overleaf

THIS WRIT of SUMMONS was issued by HSM Chambers on behalf of the Plaintiff whose address for service is 68 Fort Street, George Town, PO Box 31726, Grand Cayman KY1-1207, Cayman Islands.

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.

HSM Chambers
68 Fort Street
PO Box 31726
George Town
Grand Cayman
Cayman Islands

Case ref: 419405-0002

Indorsement by defendant's Attorney (or by defendant if acting 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.

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)".

THIS WRIT of SUMMONS was issued by HSM Chambers on behalf of the Plaintiff whose address for service is 68 Fort Street, George Town, PO Box 31726, Grand Cayman KY1-1207, Cayman Islands.

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.

Please complete the Acknowledgement of Service of Writ of Summons overleaf