

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 748 OF 1997

LEGAL AID

BETWEEN ALPHANSO SMITH

PLAINTIFF

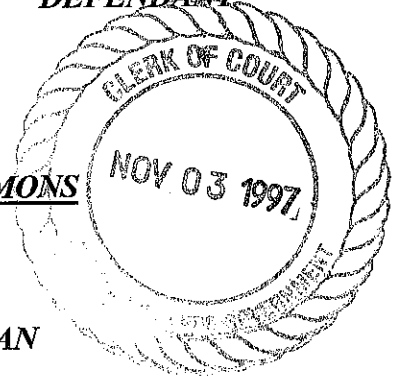
AND

THE PROFESSIONAL MEDICAL CENTRE

DEFENDANT



SPECIALLY ENDORSED WRIT OF SUMMONS



**TO: THE OPERATORS
PROFESSIONAL MEDICAL CENTRE
WALKERS ROAD, 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 next page.

Within 14 days after 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 Acknowledgement of Service, stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.

Issued this 3rd day of November 1997

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 Acknowledgement of Service are given with the accompanying form.

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STATEMENT OF CLAIM

1. The Plaintiff is a resident of George Town, Grand Cayman, Cayman Islands, B.W.I. and was at all material times a former employee of the Defendant institution.
2. The Plaintiff was employed by the Defendant in the capacity of handyman between the period 6th July 1993 until the 17th day of May 1995, on which latter date his said employment was summarily terminated by the Defendant.
3. The Defendant is a medical complex situate on Walkers Road, George Town, Grand Cayman and was the employer of the Plaintiff between the period 6th July 1993 to the 17th day of May, 1995 on which latter date they summarily terminated the employment of the said Plaintiff.
4. That consequent on the said dismissal the Plaintiff made a formal complaint to the Director of Labour, pursuant to the Labour Law (1987) as amended, alleging that he had been unfairly dismissed from his employment and seeking benefits due to under and by virtue of the said Law.
5. That pursuant to the said Law, the Director of Labour held a hearing into the dispute on the 21st day of September 1995, the 12th day of December 1995 and the 22nd day of August 1996.
6. That having heard the evidence and submissions from Counsels representing the parties concerning the dispute, the said Director of Labour, on or about the 18th day of September 1996 made and published his decision on the same.
7. That by his said decision the Director of Labour awarded that the Defendant herein should pay to the Plaintiff, inter alia, the sum of CI\$3,524.72 being overtime pay due to the Plaintiff by the Defendant by virtue of the provisions contained in the Labour Law (1987) as amended.
8. The Plaintiff accepted the said award and to the date the Defendant has not appealed the same.

9. The Plaintiff has on a number of occasions, the last such occasion being 28th April 1997, demanded from the Defendant payment of the said award of CI\$3,524.72, but the Defendant has failed/refused to pay the same or any part thereof.
10. That as a consequence of the same the Plaintiff has suffered loss and damage.

Special Damages

1,342.75 hours of overtime @ CI\$5.25c per hour	CI\$7,049.43
Less Amt. pd.	CI\$3,506.71
Balance due	CI\$3,542.72

AND THE PLAINTIFF CLAIMS:

1. CI\$3,524.72.
2. Interest thereon from the 17th day of may 1995 until payment.
3. Costs.

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of \$4,752.10, including interest and cost, further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorneys-at-Law.

Dated this 3rd day of November 1997.
Filed this day of November 1997.

L. A. Samson & Co.

L. A. Samson & Co.
Attorneys-at-Law for the Plaintiff



THIS WRIT was issued by L. A. Samson & Co., Attorneys-at-Law, for and on behalf of the Plaintiff, whose address for service is that of his said Attorneys-at-Law, Ground Floor, Sigma Building, Hospital/Smith Roads, George Town, Grand Cayman.

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PLAINTIFF

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DEFENDANT

**ACKNOWLEDGEMENT 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 judgement being entered against a Defendant whereby he May have to pay the costs of applying to set it aside.

1. State the name of the Defendant by whom or on whose behalf the service of this Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick the 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 judgement entered by the Plaintiff (tick box).

yes

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 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 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:

L. A. SAMSON & CO., Attorneys-at-Law P.O. Box 10067 APO Ground Floor, Sigma Building Hospital/Smith Roads George Town, Grand Cayman
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Indorsement by Defendant's Attorney (or by Defendant if suing in person) of his name, address and reference, if any, in the box below:

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