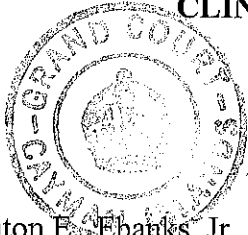


**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

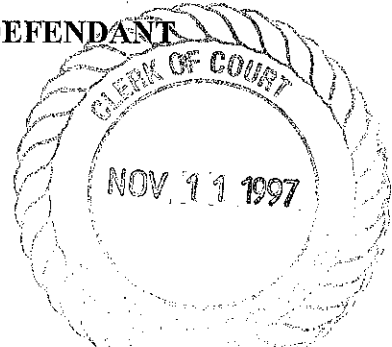
**CAUSE NO. 765 OF 1997**

**BETWEEN: PURE AIR LIMITED PLAINTIFF**

**AND: CLINTON E. EBANKS, JR. DEFENDANT**



**WRIT OF SUMMONS**



To: Clinton E. Ebanks, Jr. of West Bay, Grand Cayman.

**THIS WRIT OF SUMMONS** has been issued against you by the abovenamed 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 495 G, 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 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 7th day of November, 1997.

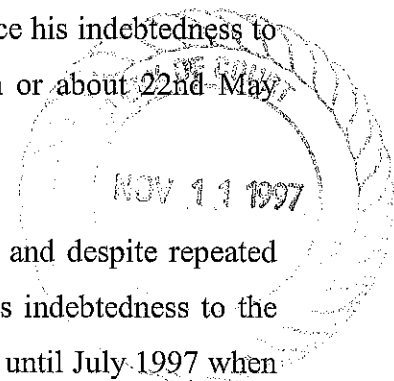
**NOTE** - This Writ may not be served later than 4 calendar months beginning with the date of issue unless renewed by order of the Court.

**IMPORTANT**

Directions for Acknowledgment of Service are given with the accompanying form

## STATEMENT OF CLAIM

1. The Plaintiff carries on the business of supplying gases, including compressed air for sport diving. At all material times the Defendant was a client of the Plaintiff.
2. The Defendant resides in Grand Cayman and trades as "Clint's Scuba Cayman".
3. In January 1996 the Defendant owed the Plaintiff CI\$5,391.48 on account of compressed air supplied by the Plaintiff to the Defendant at the Defendant's request.
4. By an agreement in writing made on or about 31st January 1996 the Defendant acknowledged he was indebted to the Plaintiff in the amount of CI\$5,120.28.
5. On or about 7th May 1996 the Defendant undertook to reduce his indebtedness to the Plaintiff by CI\$1,900.00 such payment to be made on or about 22nd May 1996.
6. Notwithstanding the said undertaking and acknowledgment and despite repeated requests for payment the Defendant has failed to reduce his indebtedness to the Plaintiff. The Defendant continued to order compressed air until July 1997 when the Plaintiff refused to continue carrying on business with the Defendant on account of his failure to reduce his indebtedness to the Plaintiff.
7. In the premises the Defendant owes the Plaintiff CI\$5,706.08 on account of compressed air supplied by the Plaintiff to the Defendant at the request of the Defendant.



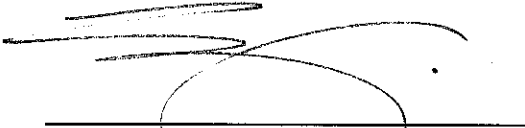
8. The Plaintiff seeks interest pursuant to Section 34 of the Judicature Law at the prescribed rates in respect of the said debt such interest being in the amount of CI\$129.62 as at the date hereof.

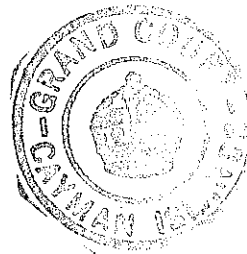
**AND THE PLAINTIFF claims:**

1. CI\$5,706.08
2. Interest pursuant to Section 34 of the Judicature Law at the rate of 8 3/8% per annum calculated from 31st July, 1997 which amounts as at the date hereof to CI\$129.62 such interest accruing daily in the amount of CI\$1.31.
3. Fixed costs in the amount of CI\$500.00 and filing fees in the amount of CI\$100.00.

If within the time for Acknowledgment of Service the Defendant pays the total amount claimed of CI\$6,435.70 on account of the fixed costs and disbursements together with such sum due on account of interest accruing hereto from the date hereof further proceedings will be stayed. The money must be paid to the Plaintiff or her attorney.

Dated this 7th day of November, 1997

  
Giglioli & Company  
Attorneys-at-Law-for the Plaintiff



This Writ was issued by Giglioli & Company whose address for service is P.O. Box 1316, 3F Bank of Nova Scotia Building, George Town, Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

765  
CAUSE NO. OF 1997

BETWEEN: PURE AIR LIMITED PLAINTIFF  
AND: CLINTON E. EBANKS, JR. DEFENDANT

ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING 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 Originating Summons is being acknowledged.

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2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

Yes

No

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Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

**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 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.*

Giglioli & Company  
P. O. Box 1316 G  
Grand Cayman

*Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.*

## Acknowledgement of service of originating summons (O.10, r.5)

### DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF ORIGINATING SUMMONS

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.

#### 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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary) although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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 Originating Summons)".
5. 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.
6. 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.

7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.