



IN THE SUMMARY COURT OF THE CAYMAN ISLANDS

CAUSE NO. SC OF 2023

BETWEEN:

COE GROUP LTD

PLAINTIFF

AND:

ACN GROUP LTD

DEFENDANT

PLAINT

TO THE DEFENDANTS: ACN Group Ltd of Bodden Corporate Services Ltd, Governor’s Square, Grand Cayman, Cayman Islands

THIS PLAINT has been issued against you by the above-named Plaintiff, of 85 N Sound Road, Grand Cayman, Cayman Island in respect of the claim set out on the next page.

Within fourteen (14) days after the service of this **Plaint** on you, counting the day of service, you must either satisfy the claim, or return to the Court Office, P.O. Box 495 GT, George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest this action. If you intend to defend this action, in whole or in part, you must set out **full particulars of your defence** in the space provided in the Acknowledgement of Service form.

If you fail to satisfy the claim or to return the Acknowledgement of Service form containing full particulars of your defence, the Plaintiff may apply for a **default judgment** without further notice to you.

Issued this 7th day of November 2023.

IMPORTANT

Directions for Acknowledgement of Service are given with the accompanying form.

This **PLAINT** was filed by Nelsons whose address for service is The Grand Pavilion, 802 West Bay Road, Grand Cayman, Cayman Islands. (Ref: CF/4546-0004)

PARTICULARS OF CLAIM

1. The Plaintiff is Coe Group Ltd ("**CGL**") a company engaged in, amongst other things, property management services.
2. The Defendant is ACN Group Ltd ("**ACN**"), a duly incorporated resident Cayman Islands Company.
3. The owner of ACN is Lynne A. Bui, MD ("**Dr Bui**"). At all material times, ACN owned a property at 'Heritage House', Block 33B Parcel 182 ("**Heritage House**").
4. By the terms of a Property Management Agreement (the "Agreement") CGL agreed to provide property management services to ACN for Heritage House.
5. The terms of the Agreement inter alia provided that ACN would pay CGL's fees, expenses and disbursements incurred in carrying out property management services, as defined.
6. Further, ACN authorised CGL to instruct tradespeople to conduct both emergency and routine repairs and agreed to pay all costs of the tradespeople including but not limited to labour and materials.
7. The Agreement further provided that ACN were required to indemnify CGL for all costs, damages and expenses properly incurred in the performance of its duties. ACN was further required to pay CGL's fees, expenses and disbursements.
8. CGL terminated the Agreement on 9 August 2023.
9. In breach of the Agreement ACN has failed to pay invoices rendered from 24 November 2022 to date for CGL's fees, expenses and disbursements.
10. The amount now due and owing to CGL as at 7 November 2023 is USD\$15,422.52 (the "Debt")

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11. The Defendant has failed to pay CGL any sum in respect of the Debt notwithstanding numerous demands and accordingly CGL has suffered loss and damage.

Particulars of Loss

The Debt

12. The Plaintiff has suffered in the amount of the Debt being US\$15,422.52 as at 07 November 2023.

13. The Plaintiff is entitled to the payment of the Debt and interest pursuant to section 34(1) of the Judicature Act (2021 Revision) from and to such dates, and in such amounts, and at such rates, as this honourable Court thinks just.

AND THE PLAINTIFF CLAIMS:

- 1. US\$15,422.52;
- 2. Interest at such rate from such date and on such amount as this honourable Court thinks just.
- 3. Costs.
- 4. Such further and/or other relief as this honourable Court deems appropriate.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of **US\$15,422.52** together with costs and interest, further proceedings will be stayed. The money must be paid to the Plaintiff or their Attorney.

Nelsons

**Nelsons
Attorneys for the Plaintiff**

Plaintiff’s address for service:

Nelsons, The Grand Pavilion, 802 West Bay Road, Grand Cayman, Cayman Islands.

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ACKNOWLEDGEMENT OF SERVICE

1. State Defendant’s name and Address:

2. State whether the Defendant intends to contest the action (tick box)

YES

NO

3. If you do not intend to contest the action, do you want time in which to pay the claim? (tick box)

YES

NO

4. If you intend to contest the action, in whole or in part, you must set out full particulars of your defence overleaf.

Service of the Plaintiff is acknowledged accordingly.

Defendant’s Signature

Dated this _____ day of _____ 2023

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PARTICULARS OF DEFENCE

Here set out in numbered paragraphs the grounds upon which the Defendant says that they are not liable to the Plaintiff or is not liable for the full amount claimed.

Defendant's Signature

REMINDER – This form must be delivered or sent to the Courts Office, P.O. Box 495GT, George Town, Grand Cayman, within fourteen (14) days of receipt, otherwise a default judgment may be entered against you.

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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, 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.

Nelsons
The Grand Pavilion
802 West Bay Road
Grand Cayman
Ref: CF/4546-00004

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

This **PLAINT** was filed by Nelsons whose address for service is The Grand Pavilion, 802 West Bay Road, Grand Cayman, Cayman Islands. (Ref: CF/4546-0004)

DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE

1. The accompanying form of **Acknowledgement 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 495, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 Acknowledgement 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 installments or otherwise.

See over for notes for guidance

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NOTES FOR GUIDANCE

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Court's 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 authorized to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on his 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.

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