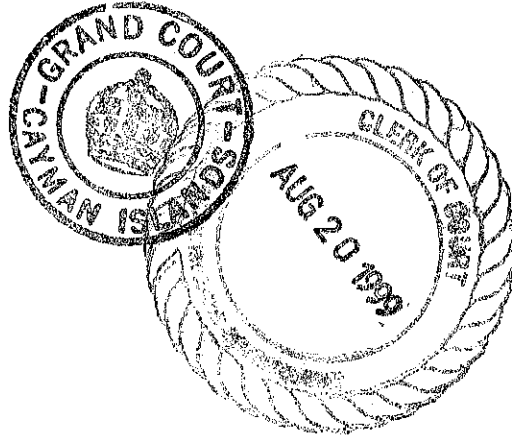


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 496 OF 1999

B E T W E E N:

ELIZABETH WATLER



Plaintiff

AND

RANDY MCLEAN

Defendant

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WRIT OF SUMMONS

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TO: Randy McLean of Lower Valley, Bodden 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 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, 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 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 judgment may be entered against you forthwith without further notice.

Issued this 17 day of August 1999

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.

## STATEMENT OF CLAIM

1. The Plaintiff has been involved in a personal relationship with the Defendant for the past five years. There is one child of the relationship, Tristan McLean born 27 August 1996.
2. The Plaintiff has on numerous occasions attempted to end the relationship with the Defendant. However the Defendant would reply that if he could not have both Respondent and the child that he does not want either of them. The Plaintiff has been forced to continue in a relationship with the Respondent because of his threats to kill her if she refuses him access to the child.
3. The Defendant does not act in a proper manner in the presence of the child, in that he uses extremely profane language. He also expects to punish the child with a belt whenever he does anything wrong despite the fact that the child is only three years old. He has also on one occasion pinched the child so hard on his arm that he was screaming because the child accidentally scratched his face.
4. The Defendant has become increasingly abusive and has threatened to kill the Plaintiff and her family.
5. The Plaintiff lives in constant fear of the Defendant, never knowing when he is going to come to her residence or demand the child from her. The Defendant has on one occasion removed the child from the pre-school where he was attending against the wishes of the teacher and refused to give the child back to the Plaintiff. This resulted in the Defendant abusing the Plaintiff and the police becoming involved in the situation.
6. The Plaintiff does not believe that it is in the best interest of the child and herself that the Defendant be involved in their lives and would ask this Honourable Court to grant an injunction against the Defendant preventing him from harassing, assaulting or otherwise interfering with her and the child.

AND THE PLAINTIFF CLAIMS;

1. For an injunction to be granted restraining the Defendant himself, his servants or agents or otherwise from assaulting, molesting, annoying or otherwise interfering with the Plaintiff or the child Tristan McLean.
2. For an injunction to be granted restraining the Defendant from coming to her residence which is located at Frank Sound, Grand Cayman.
3. Such further an other relief that this Honourable Court deems just and equitable.

*Hunter & Hunter*  
.....  
HUNTER & HUNTER,  
Attorneys-at-Law for the Plaintiff

To:           The Clerk of Courts

And to:       The Defendant  
              Randy McLean  
              Lower Valley, Bodden Town  
              Grand Cayman

This Writ was issued by Hunter & Hunter, Attorneys at Law for the Plaintiff, whose address for service is 2<sup>nd</sup> Floor, West Wind Building, P.O. Box 190GT, Grand Cayman (Ref: ZM/07766.001)

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 installments 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 Acknowledgement 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.

BETWEEN: ELIZABETH WATLER PLAINTIFF

AND: RANDY MCLEAN DEFENDANTS

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.

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

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 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 communication 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.

Hunter & Hunter  
Attorneys-at-Law  
The West Wind Building  
2<sup>nd</sup> Floor  
P.O. Box 190  
George Town  
Grand Cayman  
Cayman Islands  
BWI

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

