

STATEMENT OF CLAIM


1. The Plaintiff is and was at all material times a company incorporated pursuant to the laws of the Cayman Islands, having its registered office at the office of Campbell Corporate Services Limited, PO Box 268, George Town, Grand Cayman, Cayman Islands and carried on a restaurant business in premises located on West Bay Road, Grand Cayman.
2. The Defendant is and was at all material times a resident of Grand Cayman and the holder of a Visa credit card no. 4356 4300 0673 9230 issued by Cayman National Bank Ltd in the name of the said Defendant (“the credit card”).
3. Between the months of May and June 1998 the Defendant frequented the Plaintiff’s restaurant and, inter alia, purchased food and beverages. On 31 instances, the Defendant used his credit card to pay for the food and beverage services provided to him by the Plaintiff. The value of the purchases for which the Defendant utilised his credit card totalled CI\$2,766.79.
4. On 22nd June 1998, the Defendant was advised by Cayman National Bank Ltd that the said 31 credit card payments would not be paid by the said bank as the credit card had previously been reported lost or stolen and had therefore been cancelled by the bank prior to May 1998. The Defendant therefore remains indebted to the Plaintiff for the sum of CI\$2,766.79.
5. On 15th and 30th April 1999 respectively, the Defendant paid to the Plaintiff two cash payments of CI\$200.00 for a total payment of CI\$400.00 leaving the balance owing, due and payable to the Plaintiff of CI\$2,366.79.
6. Despite demand, the Defendant has failed, refused and/or neglected to pay to the Plaintiff the said sum of CI\$2,366.79.
7. The Plaintiff is entitled to and claims interest on the said sum of CI\$2,366.79 pursuant to section 34 of the Judicature Law (1995 Revision).

WHEREFORE THE PLAINTIFF CLAIMS:-

1. Judgement against the Defendant in the sum of CI\$2,366.79.
2. Pre-judgement interest at the rate of 7.875% per annum up to and including 31st December 1998 and 7.00% per annum from 1st January 1999 together with post judgement interest at the rate of 7.00% per annum which accrues at the rate of CI\$0.45 per day until payment.
3. Further and/or other relief.
4. Costs

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of CI\$2,366.79 plus interest to 23rd August 1999 of CI\$205.03 and continuing at the rate of CI\$0.45 per day until payment; and CI\$600.00 in respect of costs and fees for a total of CI\$3,171.82, further proceedings will be stayed. The money must be paid to the Plaintiff or its Attorney.

DATED this 24th day of August 1999.



BRUCE CAMPBELL & CO.
Attorneys at law for the Plaintiffs

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.

Defendent 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.

**Bruce Campbell & Co. (Ref:STM)
P.O. Box 884
4th Floor
Bank of Nova Scotia Building
George Town
Grand Cayman.**

**Tel: 949 2648
Fax: 949 8613**

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

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS

- (4) 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, PO Box 495G, George Town, Grand Cayman.

- (5) 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 judgement 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 judgement against him without further notice.

- (6) *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 judgement 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

- (7) Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
- (8) 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.
- (9) 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*)”.
- (10) 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 is the firm of (.....)” after his name.
- (11) 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.
- (12) 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.
- (13) Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
- (14) A Defendant acting in person may obtain help in completing the form at the Courts Office