

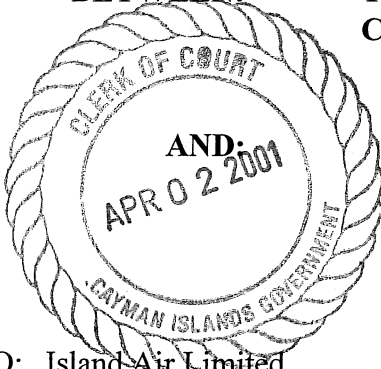
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 193 OF 2001

BETWEEN:

THE CAYMAN ISLANDS  
CIVIL AVIATION AUTHORITY

Plaintiff



ISLAND AIR LIMITED

Defendant

WRIT OF SUMMONS



TO: Island Air Limited  
Owen Roberts International Airport  
Grand Cayman

THIS WRIT OF SUMMONS has been issued you by the above-named Plaintiff in respect of the claim set out in the attached Statement of Claim:

**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 495GT, Grand Cayman, the accompanying Acknowledgement of Service form stating therein whether you intend to contest the proceedings.

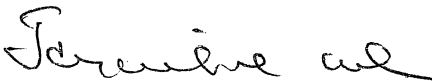
**If you fail** to satisfy the claim or fail to return the Acknowledgment of Service within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you, without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

Issued the 2nd day of April, 2001.

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.

  
Crown Counsel for the Plaintiff

THIS WRIT was issued by the Government Legal department, Attorneys-At-Law for the Plaintiff, whose address for service is 4th Floor, Tower Building, George Town, Grand Cayman, Cayman Islands, P.O. Box 907, George Town.

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

**CAUSE NO. OF 2001**

**BETWEEN**

**THE CAYMAN ISLANDS CIVIL AVIATION AUTHORITY**

**Plaintiff**

**AND**

**ISLAND AIR LIMITED**

**Defendant**

**STATEMENT OF CLAIM**

1. The Plaintiff is a body corporate established under section 3(1) of the Civil Aviation Authority Law.
2. The Defendant operates a scheduled airline service (hereinafter referred to as the "Service") between the Owen Roberts International Airport in Grand Cayman and the Gerrard-Smith Airport in Cayman Brac (hereinafter referred to as the "Airports").
3. Under the Aircraft (Landing and Parking Fees) Regulations (1995 Revision) prescribed landing and parking fees (hereinafter referred to as "the Fees") are payable by the Defendant to the Plaintiff in respect of aircraft operating into and out of the Airports.
4. On or around April, 1995, the Defendant wrote to the Plaintiff seeking a discharge of the payment of the Fees incurred by the Defendant and a waiver of the payment

of future Fees. In return the Defendant proposed to file annual financial statements with the Plaintiff for review and to transport free of charge employees of the Plaintiff using the Service for Government business.

5. There were subsequent communications between the parties with respect to the Defendant's requested discharge and waiver of payment of the Fees.
6. By letter dated the 16<sup>th</sup>. day of January, 1996, the Defendant was advised of the conditions precedent for the requested discharge and waiver of payment of the Fees. The said conditions were as follows:

#### **Particulars**

- a) The Defendant's then indebtedness to the Plaintiff in the amount of \$285,978.03 would be converted into a "callable non-repayable loan on demand" provided that the conditions set out in paragraphs (c) and (d) below were met.
- b) The Defendant would to submit annual audited financial statements to the Plaintiff.
- c) The Defendant would upgrade the Service by providing a second Twin Otter or similar aircraft on the Service.
- d) The Defendant would give employees of Government, statutory authorities and members of the Legislative Assembly travelling on official duty a 50% reduction in ticket cost or positive space be allowed to travel stand-by with a token charge.

7. By letter dated the said 16<sup>th</sup>. day of January, 1996, the Defendant rejected the condition set out in paragraph 6 (c) above. The Defendant has also failed to implement any of the other conditions stipulated in the said paragraph 6 above.
8. On or around the 7<sup>th</sup>. day of January, 1998, the Plaintiff wrote to the Defendant requesting payment of the outstanding Fees in the amount (as it then was) of \$456,716.23. On or around the 3<sup>rd</sup>. day of May, 1999, the Minister responsible for Aviation wrote to the Defendant requesting payment outstanding Fees in the amount (as it then was) of \$604,800.04.
9. To date, the Defendant has incurred landing fees in the amount of \$796,277.89 and continues to incur such Fees and continues to refuse and/or fail to pay the said Fees to the Plaintiff. The Defendant has failed to pay the said sum or any part thereof to the Plaintiff.

And the Plaintiff claims:

- (1) The sum of \$796,277.89 outstanding landing and parking fees.
- (2) Interest .
- (3) Costs
- (4) Such further and/or other relief as the Court deems just.

Dated this 2<sup>nd</sup>. day of April, 2001.

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Jacqueline Wilson  
Crown Counsel  
Attorney-at-law for the Plaintiff

To: The Clerk of the Court

And to: Island Air Limited  
P.O. Box 2433 GT  
Owen Roberts International Airport  
Grand Cayman

BETWEEN: THE CAYMAN ISLANDS CIVIL AVIATION AUTHORITY

PLAINTIFF

AND: ISLAND AIR LIMITED

DEFENDANT

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 is required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons 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: .....  
.....  
.....