

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 347 OF 2001

BETWEEN:



CAYMAN ISLANDS CUSTOMS AGENCY

Plaintiff

AND

AIR SUPPLY LIMITED

Defendant

JUN 07 2001

WRIT OF SUMMONS



TO: Dwayne Lynch of Air Supply Limited of #62 Walkers Road, George 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 GT, George Town, Grand Cayman, and 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 judgement may be entered against you forthwith without further notice.

Issued this 6th day of June 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.

### STATEMENT OF CLAIM

1. The Plaintiff is and at all material times licensed to carry on business as a Customs brokerage in the Cayman Islands.
2. The Defendant a local Company is a customer of the plaintiff and Mr Dwayne Lynch is the owner of the Company.
3. On the 20<sup>th</sup> September 1999, the Defendant contracted with the Plaintiff to carry out Customs brokerage services ("services") on his behalf. Upon his request the Plaintiff paid for and cleared miscellaneous items for him.
4. The Plaintiffs sent a letter to the Defendant dated 4<sup>th</sup> October 1999 reminding the Defendant that CI\$5,122.18 remained outstanding.
5. The Defendant was informed by the Plaintiffs Attorney on the 29<sup>th</sup> November 1999 that there was an outstanding balance due to the Plaintiff in the amount CI\$5,122.18. He was advised that if payment was not received within fourteen days of receipt of the letter legal proceedings would be commenced against him. A similar letter was sent to the Defendant on 28<sup>th</sup> February 2000.
6. Although the Defendant has to date made three separate payments of CI\$500.00, totalling CI\$1500.00 and has provided services to the Plaintiff to the value of CI\$990.00, a debt CI\$2632.18 remains outstanding.
7. To date the Defendant has failed to respond to the letter and the debt remains due and owing.
8. The Plaintiff claims the principal sum of CI\$2,632.18, interest, calculated at a rate of 2.1/2 % per month, as calculated from 1st April 2001, plus legal fees.

AND THE PLAINTIFF claims:

1. Principle sum CI\$2,632.18
2. Interest of CI\$2.16 per diem from 1<sup>st</sup> April 2001 to date of payment

3. Costs to be agreed or taxed, plus the fees of the Writ of CI\$150.00

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed of CI\$2,632.18 and interest at the rate aforesaid calculated up to the date of payment, and legal costs, further proceedings will be stayed

Hunter & Hunter

Hunter & Hunter

THIS WRIT was issued by Hunter & Hunter, Attorneys-at Law for the Plaintiff whose address for service is that of said Attorneys, namely 75 Fort Street, The Huntlaw Building, P.O. Box 190 GT, Grand Cayman, Cayman Islands (Ref. [ZM/07990.008]).

## DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

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, P.O. Box 495G, 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 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 Acknowledgement, 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 instalments or otherwise.

## 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 347 of 2001

BETWEEN: CAYMAN ISLANDS CUSTOMS AGENCY Plaintiff  
AND: AIR SUPPLY LIMITED Defendant

ACKNOWLEDGEMENT 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

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 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  
P.O. Box 190  
West Wind Building  
George Town  
Grand Cayman  
REF: ZM/07990.008

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

[Empty box for defendant's indorsement]