



BETWEEN: DOUGLAS J. VAN PUTTEN PLAINTIFF

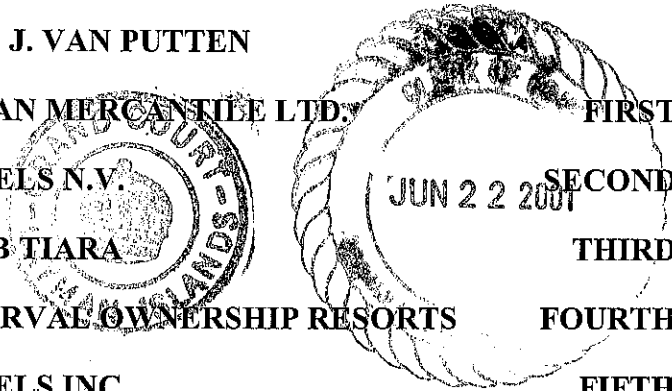
AND: CARRIBEAN MERCANTILE LTD. FIRST DEFENDANT

DIVI HOTELS N.V. SECOND DEFENDANT

DIVI CLUB TIARA THIRD DEFENDANT

DIVI INTERVAL OWNERSHIP RESORTS FOURTH DEFENDANT

DIVI HOTELS INC. FIFTH DEFENDANT



**WRIT OF SUMMONS**

**TO THE DEFENDANT:**

Caribbean Mercantile Ltd.  
 Divi Hotels N.V.  
 Divi Club Tiara  
 Divi Interval Ownership Resorts  
 Divi Hotels Inc.

**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 G.T., George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment 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 22<sup>nd</sup> 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 Acknowledgment of Service are given with the accompanying form.

## INDORSEMENT OF CLAIM

The Plaintiff's claim is as against the Defendants (or any one or a combination of them) for personal injury, loss and damage cause by the negligence by the Defendants (or any one or a combination of them), their servants or agents at the premises known as the Tiara Beach Resort, Cayman Brac on or about 24<sup>th</sup> June 1998 owned and/or operated by the Defendants (or any one or a combination of them) whilst the Plaintiff was an invited guest and lawful visitor on the aforesaid premises.

AND the Plaintiff claims:

1. Special damages.
2. General damages.
3. Pre-judgment interest in accordance with section 34 of the Judicature Law (1995 Revision).
4. Post-judgment interest in accordance with section 34 of the Judicature Law (1995 Revision).
5. Further and/or other relief.
6. Costs.

## STATEMENT REGARDING INTEREST

The Plaintiff claims interest from 24<sup>th</sup> June 1998 at the rate of 7 7/8 % per annum or as may be varied from time to time by the Judgment Debts (Rates of Interest) Rules.

Dated this 22<sup>nd</sup> day of June 2001

  
Bruce Campbell & Co.  
Attorneys at Law for the Plaintiff

To: The Clerk of the Court  
The Defendants

THIS WRIT was issued by Messrs. Bruce Campbell & Co. Attorneys-at-Law for the Plaintiff herein, whose address for service is 4<sup>th</sup> Floor, Scotiabank Building, George Town, Grand Cayman – Tel: 949 2648 (Ref: STM/clq/8652)

## 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.*

**Bruce Campbell & Co. (Ref: STM)  
P O Box 884 G.T.  
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.*

## Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment 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 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.