

No.3

Originating Summons - expedited form (O.7 , r.2)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE No. 716 of 2001

In the matter of Mr Eric Fitzgerald Kelly

BETWEEN: ERIC FITZGERALD KELLY PLAINTIFF

AND: VALDA MAE KELLY DEFENDANT

ORIGINATING SUMMONS

LET ALL THE DEFENDANT of c/o BNP Bank, Piccidilly Square, (Hobbies & Books Building) George Town, Grand Cayman attend on a Judge of the Grand Court , in Chambers on the 16 day of Nov, 2001 at 9:30 o'clock in the fore/afternoon on the Hearing of an application on behalf of the Plaintiff of George Town, Grand Cayman that:

- (a) the time required for the service of this Summons be abridged;
- (b) the funds which were donated to the Plaintiff by the public to assist him with his liver transplant, some of which were deposited at the Bank of Butterfield a/c No. 0221/029134 together with that left in various "donation tins" in various businesses, and which has been unlawfully taken by the Defendant, be returned to him forthwith so that he can obtain a visa to travel to the United States to attend a medical facility for the prerequisite assessment with a view to obtaining the said liver transplant as soon as is possible.
- (c) Such further and other relief as this Honourable Court shall deem appropriate.
- (d) That the Defendant do pay the costs of this application.

AND LET THE DEFENDANT within 14 days after service of this summons on her counting the day of service, return the accompanying Acknowledement of Service to the Courts Office.

Dated this 16th day of November, 2001.

Brooks & Brooks
**BROOKS & BROOKS
ATTORNEYS AT LAW
FOR THE PLAINTIFF**



NOTES:-

(1) This Summons 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 above date unless renewed by order of the Court.

(2) If a defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

IMPORTANT

Directions for Acknowledgement of Service are given with the accompanying form.

TIME ESTIMATE: The estimated time for the Hearing of this Summons is 1 hour

THIS ORIGINATING SUMMONS WAS FILED by Brooks & Brooks, Attorneys At Law for the Plaintiff herein whose address for service of process is One, Artillery Court, P O Box 1355GT Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 716 of 2001

BETWEEN: ERIC FITZGERALD KELLY PLAINTIFF

AND; VALDA MAE KELLY DEFENDANT

ACKNOWLEDGEMENT OF SERVICE OF ORIGINATING 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 judgement 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 Originating Summons is being acknowledged:

2 State whether the Defendant intends to contest the proceedings (Tick appropriate box)

Yes

No

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 judgement entered by the Plaintiff(Please tick box)

Yes

No

Service of Third Party Notice is acknowledged accordingly

Signed _____

Please complete oveleaf

(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 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 the Plaintiff's Attorney (or by the Plaintiff suing in person) of his name, address and residence, if any in the box below

**Brooks & Brooks
Attorneys At Law
P O Box 1355 GT
GRAND CAYMAN**

(One, Artillery Court, George Town, Grand Cayman)

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