

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 134 OF 2002

BETWEEN:

MIRTA MARIA CANOSA

Plaintiff

AND:

OSVALDO FERNANDO RIVERO

Defendant

WRIT OF SUMMONS

TO: OSVALDO FERNANDO RIVERO

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 28 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, PO Box 495 GT, 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 this 19<sup>th</sup> day of February, 2002.

**IMPORTANT**

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



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STATEMENT OF CLAIM  
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1. The Plaintiff and the Defendant are the Plaintiff and Defendant respectively in alimony/maintenance proceedings pending in Buenos Aires, Republic of Argentina before the National Court of First Instance in Civil Matters No. 38. The proceedings are known as and referred to as follows: “Canosa, Mirta M. *versus* Rivero, Osvaldo Fernando, on alimony” – Docket No 24, 514/98.
2. The said Court was duly constituted and held in accordance with the laws of the said Republic and had jurisdiction in that behalf.
3. On the 7<sup>th</sup> day of December 1999 the said Court (Judge Dr. [Mrs.] Mirta Ilundain) gave judgment in the said proceedings in favour of the Plaintiff for the balance of alimony/maintenance due from the Defendant to the Plaintiff (and the daughter of the parties) for the period October 1997 to July 1999 and ordered the Defendant to pay the Plaintiff forthwith the sum of 63,180 Argentine pesos, being at the date of the said Order US\$63,180.
4. On the 29<sup>th</sup> day of October 2001 Dr. Maria Del Pilar Jorge as Secretary of the National Court of First Instance in Civil Matters No. 38 certified that the said judgment of Judge Ilundain of 7<sup>th</sup> December 1999 had been notified to the Defendant and that the judgment had become final.
5. Further the Plaintiff is entitled to and claims interest on the said sum of US\$63,180 under section 34 of the Judicature Law (1995 Revision) as set out below or at such rate and for such periods as the Court may determine.

Particulars of Interest

- (a) Pre-Judgment Interest to the date hereof and continuing until judgment or sooner payment:

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- |       |   |                      |
|-------|---|----------------------|
| (i)   | 7.875% from 7 <sup>th</sup> December 1999<br>to 31 <sup>st</sup> March 2000 being | US\$1,649.39         |
| (ii)  | 8% from 1 <sup>st</sup> April 2000 to<br>30 <sup>th</sup> November 2001 being     | US\$8,433.23         |
| (iii) | 4.5% from 1 <sup>st</sup> December 2001<br>to 1 <sup>st</sup> March 2002 being    | <u>US\$701.04</u>    |
|       |   | <u>US\$10,783.66</u> |
| (iv)  | and continuing at the daily rate of<br>US\$7.79                                   |                      |

- (b) Post-Judgment Interest: at the then-prevailing Court rate, on the principal sum of the judgment until payment in full.

AND THE PLAINTIFF CLAIMS:

- (1) US\$63,180.00;
- (2) Interest as aforesaid;
- (3) Court fees paid to issue this Writ of US\$182.93 (CI\$150.00) and the US\$509.85 (CI\$418.08) *ad valorem* fee.
- (4) Costs.

GCR Order 6 rule 2(b) Indorsement:

If within the time for returning the Acknowledgment of Service, the Defendant pays **the total amount claimed of US\$75,875.95** (capital debt with interest being US\$73,963.66, assessed costs of US\$1,219.51 (CI\$1,000.00), and the issue fees of US\$692.78 (CI\$568.08) further proceedings will be stayed. The money must be paid to BOXALLS, the Plaintiff's attorneys

Boxalls

**BOXALLS**

Attorneys-at-Law for the Plaintiff



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

CAUSE NO. 134 OF 2002

BETWEEN:

MIRTA MARIA CANOSA

Plaintiff

AND:

OSVALDO FERNANDO RIVERO

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 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.

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**1. State the full name of the Defendant by whom or on whose behalf the service of the Writ of Summons is being acknowledged.**

**OSVALDO FERNANDO RIVERO**

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**2. State whether the Defendant intends to contest or otherwise participate in the proceedings (*tick appropriate box*).**

yes

no

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**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

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**Service of the Writ of Summons is acknowledged accordingly.**

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**Attorney for the Defendant  
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 principal office.

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

Boxalls Attorneys-at-Law PO Box 1234GT George Town Grand Cayman, Cayman Islands British West Indies (Reference: 1549-0001/JCC)
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## 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 28 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 of 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.