

In the Grand Court of the Cayman Islands

Cause No: 251 of 1996

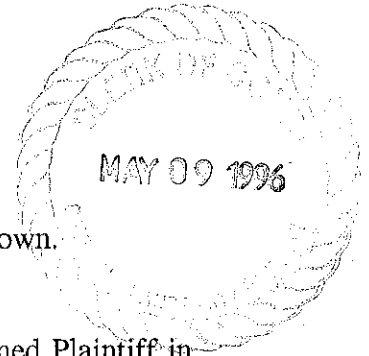
Between: GASTRO LTD.

Plaintiff

And: YVETTE CONSTAN

Defendant

**WRIT OF SUMMONS**



To: Yvette Constan of The Bank of Bermuda (Cayman) Ltd., George Town.

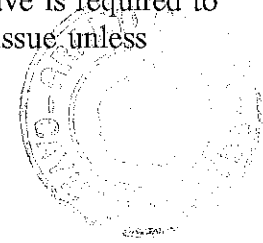
THIS WRIT OF SUMMONS has been issued against you by the abovenamed Plaintiff in respect of the claim set out on the next page.

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's Office, P. O. Box 495 G, George Town, Grand Cayman, the accompanying acknowledgment of service stating therein whether you contest these proceedings.

If you fail to satisfy the claim or to return the acknowledgment within the time stated, or if you return the acknowledgement without stating therein an intention to protest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 9<sup>th</sup> day of May, 1996.

**NOTE** - This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, six months) beginning with the date of issue unless renewed by the order of the Court.



**IMPORTANT**

Directions for acknowledgment of service are given with the accompanying form.



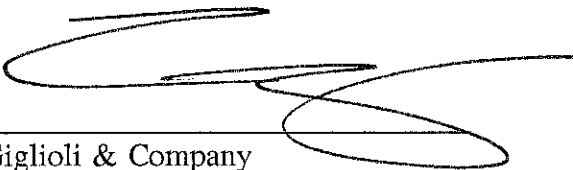
## STATEMENT OF CLAIM

1. The Plaintiff is a company registered and incorporated in the Cayman Islands and licenced to carry on the business of restaurateurs. The Plaintiff owns and manages the restaurant known as The Top of the Falls.
2. The Defendant is a resident of the Cayman Islands.
3. At the request of the Defendant the Plaintiff provided catering at the Plaintiff's restaurant for the Defendant on 26th December, 1995.
4. The total costs for providing the said catering service was CI\$4,226.54.
5. Despite numerous requests made by the Plaintiff to the Defendant the Defendant has paid only CI\$1,700.00.
6. In the premises there is CI\$2,526.54 due and owing to the Plaintiff by the Defendant in account of the said services.

### AND THE PLAINTIFF CLAIMS

1. CI\$2,526.54.
2. Interest thereon at 8 3/8 per annum from 26th January, 1996 to the date hereof which amount is CI\$61.27 and accrues at the rate of CI\$0.60 per diem.
3. Fixed costs in the amount of CI\$250.00 and the prescribed fee of CI\$100.00.

If, within the time for returning the acknowledgment of service, the Defendant pays the total amount claimed of CI\$2,938.41 (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff or its attorneys-at-law.



Giglioli & Company

This Writ was issued by Giglioli & Company of P. O. Box 1316, 3F, Bank of Nova Scotia Building, George Town, Grand Cayman.



## Acknowledgement of service of originating summons (O.10, r.5)

### DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF ORIGINATING SUMMONS

The accompanying form of Acknowledgment 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.

#### 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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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 Originating Summons)".
5. 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.
6. 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.
7. 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.

8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. 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. 251 OF 1996

BETWEEN: GASTRO LTD. PLAINTIFF

AND: YVETTE CONSTAN DEFENDANT

ACKNOWLEDGMENT 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 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 Originating Summons is being acknowledged.



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

yes

no



Service of the Originating Summons 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 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.*

Giglioli & Company  
P. O. Box 1316 G  
Grand Cayman

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

