

Writ of Summons (O.6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLAND
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

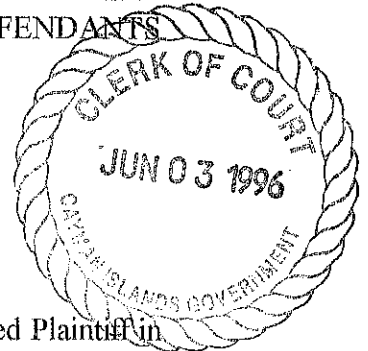
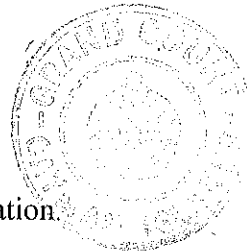
CAUSE NO. 279 OF 1996

BETWEEN
AND:

MS. NICOLE BERNARD
MR. ALVIN NIXON

- PLAINTIFF
- DEFENDANTS

WRIT OF SUMMONS



TO: Alvin Nixon, Walkers Road, beside Texaco Gas Station.

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 495G, 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 3 day of June 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, 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.

STATEMENT OF CLAIM

1. The parties used to live together at Whittaker's Apartments off Walkers Road as boyfriend and girlfriend. Whilst living together they purchased a motor vehicle registration number 51733 ("the motor vehicle"). The relationship between the parties deteriorated and the Defendant moved out of the apartment. The Parties agreed that the vehicle registration details should be transferred into the name of the Plaintiff. On or about 31 May 1995 at or about 3.05 p.m. the Plaintiff went to the home of the Defendant so that they could complete the transfer. Whilst at his home the Defendant refused to carry out the transfer and assaulted the Plaintiff. She contacted the police and requested that he be warned.
2. The parties resumed sharing the apartment together at Whittaker's Apartments. On or about 3 August 1995 At or about 1.50 a.m. an argument arose between the parties. The Defendant had taken the keys for the motor vehicle and had threatened the Plaintiff. She was afraid that he was going to cause her injury and as a result called the police. The Plaintiff requested that the defendant be removed from the premises. The police did not consider that they could remove him and advised him to keep the peace.
3. The parties stopped seeing each other and the Defendant had moved out of the apartment at Whittaker's apartment. On or about 11 August 1995 at or about 11.30 p.m. whilst the Plaintiff was at a discotheque called Rumheads, the Defendant approached her and punched and kicked her in the chest. He threw a bottle at her which landed beside her and broke on the floor. She picked up the broken bottle and attempted to defend herself with it. She was caused to attend hospital for injuries she had suffered as a result of him hitting her. She was confused and frightened and asked the police to warn the Defendant to stay away from her.

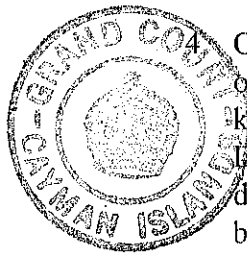
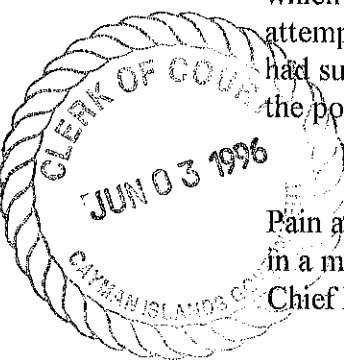
PARTICULARS OF INJURY.

Pain and bruising to her face and chest. Laceration to her hand. Injuries are recorded in a medical report obtained from the George Town Hospital and prepared by the Chief Medical Officer, Dr. Pain.

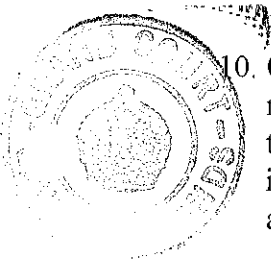
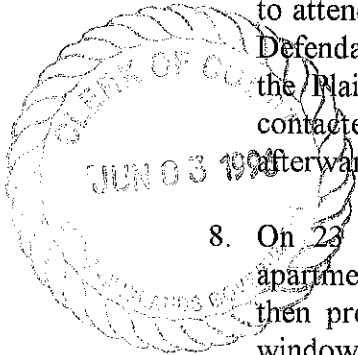
PARTICULARS OF SPECIAL LOSS

1. Payment of all medical expenses. \$150.00

On or about 12 December 1995 at or about 10.40 a.m. the Plaintiff was standing outside the house of her grandmother when the Defendant walked up behind her and kicked her in the back. She fell to the ground and suffered injury to her face. The Defendant next threw an object at her motor vehicle and broke the glass in the right driver's door. She attended the hospital for treatment. The Defendant was arrested by WPS#46 Ebanks for the offence of damage to property and assault causing actual bodily harm.



5. On or about 21 February 1996 at or about 3. 30 a.m. the Defendant went to the apartment of the Plaintiff and caused a disturbance. He kicked and damaged the front door of the apartment which is made of metal. . The Plaintiff fled her apartment and drove to the home of her grandmother in Goring Avenue, George Town. The Defendant followed the Plaintiff in his sister's car. When she arrived at her grandmother's house she called the police who attended the scene and asked the Defendant to leave. The Defendant agreed to pay for the damage to the door of the apartment. When the police had left the scene the Defendant returned to the home of the Plaintiff's grandmother and insisted on talking to the Plaintiff. The police were called to the scene again and asked him to leave. The police were called out a third time that night because the Defendant had returned and was causing a nuisance of himself.
6. On or about 14 March 1996 at or about 3.30 p.m. the Plaintiff contacted the police to notify them that the Defendant had attended her apartment at Whittaker's Apartment without her permission and had scratch the body-work of her motor vehicle. On that occasion he had made a scratch mark on the trunk of the motor vehicle.
7. On or about 5 May 1996, whilst the Plaintiff was at her place of work, Big Daddy's Restaurant ("the Restaurant"), the Defendant telephoned to speak to her. She refused to speak to him. This message was conveyed to him by one of the employees and the telephone receiver was replaced. The Defendant continued to telephone the Restaurant but on each occasion was told the same thing. The Defendant threatened to attend the Restaurant and drag the Plaintiff out of it by her hair into the road. The Defendant attended the Restaurant and in full view of the customers spat in the face of the Plaintiff. He also made threats to cause her bodily harm. The police were contacted at which point the Defendant left the scene. The police arrived shortly afterwards but could not locate the Defendant.
8. On 23 May 1996 at or about 2.00 a.m. the Defendant attended the Plaintiff's apartment and removed a light bulb outside the apartment window. The Defendant then proceeded to remove a screen from in front of a window, forced open the window and climbed into the apartment.
9. At the time the Defendant was forcing his way into the Plaintiff's apartment, she was in the communal laundry room immediately below her apartment washing her laundry. The Plaintiff returned to her apartment and noticed that the light bulb immediately outside of her apartment was not working and that one of the screens for one of the windows had been removed.
10. On entering the apartment the Plaintiff saw the Defendant and asked him to leave. He refused. He pleaded with the Plaintiff to take him back as her boyfriend. He wanted to live with her. The Plaintiff rebuffed his propositions and insisted that he leave immediately. She was tired and went and sat on a sofa. He went into the bedroom and turned on the fan and took off his shirt. The Defendant told the Plaintiff that he



was staying the night. The Plaintiff unplugged the fan and repeated her request to him to leave. The Defendant went back into the room and switched the fan on again.

11. The Defendant started to make advances towards the Plaintiff telling her that he wanted to see her again and that he wanted to have sex with her.

12. She refused to allow him to touch her and asked him to leave. The Defendant started to touch the Plaintiff. A struggle commenced which involved the Plaintiff trying to fight-off the Defendant.

13. The Defendant picked up the Plaintiff from the sofa and carried her into the bedroom and forced her down onto the bed. He then started to touch her body and put his hands into her underwear against her will. He did not care whether she consented to him to touch her or not.

14. The Plaintiff tried to fight him off. She screamed for help but no one came to her assistance. The Defendant tried to silence the Plaintiff by placing his hand over her mouth.

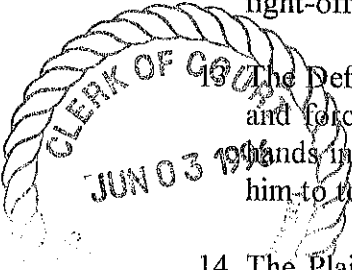
15. This incident lasted over 20 minutes. The Plaintiff hit the Defendant with her alarm clock which caused him to stop.

16. He got off her and put his shirt on and left the apartment. The Defendant discovered that he had left his hat in the apartment. He returned and insisted that the Plaintiff let him in to which she refused. He then proceeded to kick in the front door. He eventually forced his way into the apartment and retrieved his hat. The Defendant then fixed the door which he had forced open.

17. On 23 May 1996 at or about 10.00 a.m. the Defendant returned to the apartment. During the struggle the previous night his watch-strap had broken and the watch had fallen unnoticed to the floor. In order not to have another fight with the Defendant and to get rid of him as quickly as possible the Plaintiff located the watch and gave it to him.

18. On the 23 May 1996 the Plaintiff moved her belongings to another apartment. She does not want the Defendant to know where she lives for fear that he will return and repeat his earlier actions. She did not call the police to report the earlier offence because each and every time she had called them before they had not been able to help her and because she was embarrassed by what took place.

19. On 24 May 1996 at or about 8-8.30 p.m. the Defendant telephoned the Plaintiff at her place of work. She happened to answer the telephone. He told her that he was sorry for his behaviour the previous night. She hung up the telephone. On 29 May 1996 the Defendant and a friend attended the Plaintiff's place of work. She did not invite them

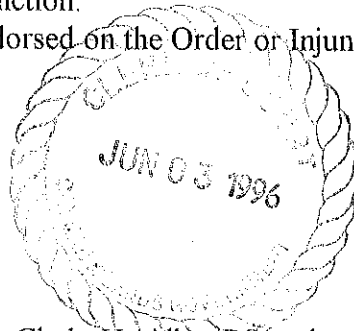
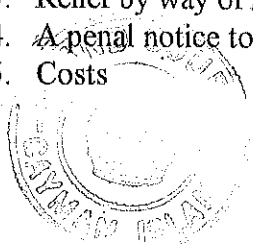


to attend. The Defendant tried to speak to her but she ignored him. The Defendant and his friend had a beer and left shortly afterwards.

20. On 30 May 1996 the Plaintiff had visited the home of her Grandmother at Walker's Road and was driving along West Bay Road when she saw the Defendant driving along in the opposite direction. On seeing her he turned his car around and preceded to follow her.
21. She turned her vehicle around and returned to her Grandmother's house. The Defendant turned his car around and followed her. When she got to her Grandmother's house she could not get out of her car because the Defendant had got out of his first and was standing outside of her car. He told her that she would stop seeing him only when he said so. After about quarter of an hour he drove off. The Plaintiff remained seated in her car for a further quarter of an hour after he had left to make sure that he would not return. She was frightened by his behaviour. She then drove home.
22. The Plaintiff's claim is for an injunction restraining the Defendant whether by himself or by his servants or agents or otherwise from doing the following acts or any of them namely molesting annoying or otherwise interfering with the Plaintiff or her family by telephoning or by calling on her or them at any place whatsoever or by writing to her or them or by following or accosting her in any place whether public or private.
23. That any Order or Judgment served on the Defendant to be endorsed with the following, that is to say: "if you, the within named Alvin Nixon, neglect to obey this Order or Judgment by the time limited therein you will be liable to process of execution for the purpose of compelling you to obey the same Order or Judgment whichever shall be applicable."

AND the Plaintiff claims:

1. Damages
2. The Plaintiff will seek interest pursuant to section 34 of the Judicature Law on General and Special damages. On the latter the rate of interest to be 7 3/8% per annum
3. Relief by way of an injunction.
4. A penal notice to be endorsed on the Order or Injunction
5. Costs



THIS WRIT was issued by Clyde H. Allen BSc whose address for service is Brooks & Brooks, Attorneys-At-Law, PO Box 1355, Grand Cayman, British West Indies

IN THE GRAND COURT OF THE CAYMAN ISLAND
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. 279 OF 1996

BETWEEN
AND:

MS. NICOLE BERNARD
MR. ALVIN NIXON

- PLAINTIFF
- DEFENDANTS

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.

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 a 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:

Please complete overleaf

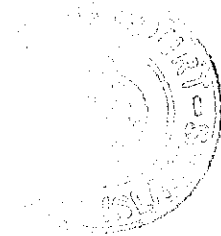
Notes on address for service

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.

C. H. Allen BSc
Brooks & Brooks
Attorneys-At-Law
PO Box 1355 GT
Grand Cayman
Cayman Islands
BWI



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