

No. 1

Writ of Summons (0.6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

Cause No: 739 of 2002

BETWEEN: THE ATTORNEY-GENERAL

PLAINTIFF

AND: WILLIAM M. CONOLLY & PHILMORE CONOLLY

DEFENDANT

WRIT OF SUMMONS

TO:

WILLIAM M. CONOLLY  
Employer: GRAND CAYMANIAN RESORT  
Home Phone: 345-949-9276  
Work Phone: 345-949-7440

AND

PHILMORE CONOLLY  
18 TALBOT LANE, WINDSOR PARK 949-0349/916-0423



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 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 8th of October, 2002

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 Plaintiff claims C\$4,000.00 from the Defendants for Overseas Medical.
2. The Cayman Islands Government consented to pay the expenses incurred by Neatha Conolly in respect of hospitalization and medical treatment starting on or around 20<sup>th</sup> March, 1992 at Cleveland Clinic.
3. On 18<sup>th</sup> March 1992 the Defendants signed a promissory note agreeing to repay the Cayman Islands Government all such expenses paid by the Government in respect to this medical treatment. The Defendants have failed to pay a balance of \$4,000.00 still owing on this debt.
4. The Health Services Department wrote to the Defendant on two occasions requesting payment.
5. The Treasury Debt Collector wrote to the Defendant on 22 October, 2001 requesting payment but this debt remains unpaid.

AND THE PLAINTIFF claims:

1. The sum of C\$4,000.00.
2. Interest at the statutory rate of 5.50%
3. Fixed cost of C\$250.00, alternatively costs to be assessed.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed further proceedings will be stayed. The money must be paid to the Plaintiff.

  
On behalf of the Attorney-General

THIS WRIT was issued by The Attorney-General whose address for service is  
c/o The Treasury Department, Government Administration Building, George Town,  
Grand Cayman.



Acknowledgment of service of writ of summons (O.L. r.3)

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS

1. 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.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also serve a defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, *issue a Summons* for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

*See over for notes for guidance*

*Please complete overleaf*



BETWEEN: THE ATTORNEY-GENERAL PLAINTIFF

AND: WILLIAM M. CONOLLY & PHILMORE CONOLLY DEFENDANT

ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you, give him this for 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 proceeding (tick appropriate box)

[ ] Yes [ ] No

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

Service of the writ is acknowledged accordingly

(Signed).....

[Attorney] for
[Defendant in person]
Address for Service:

Please complete overleaf

Notes for Guide

1. Each Defendant must complete the Court
2. For the purpose of acknowledging personally delivered
3. Where the Defendant, on his own, the form in paragraph 1 of *the Writ of*
4. Where the Defendant is instructed, the name, with "Partner in" after his name
5. Where the Defendant is IN A NAME description name.
6. Where the Defendant must be authorised to Company can without an Attorney
7. Where the Defendant is PATIENT, the acting for a guardian
8. A Defendant completing the

**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.

*Endorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, Address and reference, if any, in the box below.*

THE ATTORNEY-GENERAL  
C/O THE TREASURY DEPARTMENT  
GOVERNMENT ADMINISTRATION BUILDING  
GEORGE TOWN  
GRAND CAYMAN

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

