

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 85 OF 2004

BETWEEN:

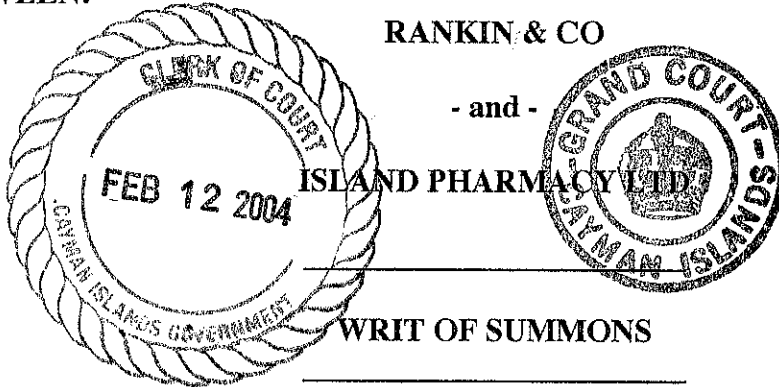
RANKIN & CO

Plaintiff

- and -

ISLAND PHARMACY LTD

Defendant



TO: SILVIJA SMITH  
Island Pharmacy Ltd.  
West Shore Plaza  
Grand Cayman

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 fourteen (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 495GT, Grand Cayman, Cayman Islands, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement 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      day of February 2004

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 issued unless renewed by order of the Court.

IMPORTANT

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

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STATEMENT OF CLAIM

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1. The Plaintiff is accounting firm with its registered offices situated at The Compass Centre, 2<sup>nd</sup> Floor, George Town, Grand Cayman, Cayman Islands. At all material Plaintiff was providing accounting services to the Defendant.
2. The Defendant is a Cayman Islands Ordinary Company with its registered office situated at P.O. Box 32314 SMB, West Shore Plaza, Grand Cayman, Cayman Islands. At all material times the Defendant was a client of the Plaintiff.
3. Pursuant to an oral agreement which was made between the Plaintiff and the Defendant and evidenced in writing by an invoice from the Plaintiff to the Defendant dated May 2, 2003, the Plaintiff's claim is for CI\$17,800.00 being the balance of the price for accounting services provided to the Defendant by the Plaintiff in the calendar year of 2002 for which the Defendant has failed and or otherwise refused to pay the Plaintiff.

**PARTICULARS**

As to the accounting services provided in the calendar year of 2002 full particulars of these were set out in the Plaintiff's invoices dated to the Defendant.

4. In addition, the Plaintiff claims pre-judgment and post-judgment interest as prescribed by the Judicature Law (1995 Revision) and the Judgment Debts (Rates of Interest) Rules. The total amount of interest claimed pursuant to the Judicature Law and the Judgment Debts Rates of Interest Rules is as of February 11, 2004 is CI\$ 504.43 increasing at a rate of CI\$ 1.46 per diem.

AND THE PLAINTIFF claims:

1. CI\$17,800.00 due under the agreement;
2. The total amount of interest claimed pursuant to the Judicature Law and the Judgment Debts Rates of Interest Rules is as of February 11, 2004 is CI\$ 504.43 increasing at a rate of CI\$ 1.46 per diem.
3. Cost.

Dated February 11, 2004

  
**BROADHURST DaCOSTA**  
Attorney-at-law for the Plaintiff

This Writ of Summons and Statement of Claim is filed by Broadhurst DaCosta, Attorneys-at-Law for the Plaintiff, whose address for service is 40 Linwood Street, P.O. Box 2503 GT Grand Cayman, Cayman Islands.

### **INDORSEMENT**

The amount claimed in respect of the debt is CI\$17,800.00 as principle and CI\$504.53 as interest as of February 11, 2004 for a total amount of CI\$ 18,304.43 increasing at per diem rate of CI\$ 1.46. The amount of the fixed costs is CI\$ 250.00 and the costs of issuing the Writ of Summons is CI\$150.00 plus CI\$ 78.00 ad valorem fee. If within the time for returning the Acknowledgement of Service, the Defendant pays the Plaintiff or its Attorneys-at-Law the total amount claimed in principal and interest, the fixed costs and the costs of issuing the Writ of Summons including the ad valorem fee, further proceedings will be stayed. The money must be paid to the Plaintiff or to its Attorneys-at-Law.

### **STATEMENT REGARDING INTEREST**

The date at which the interest became payable was May 3, 2003. The pre-judgment and post-judgment interest upon the said damages pursuant to the Judicature Law (1995 Revision) and the Judgment Debts (Rate of Interest Rules) was as follows:

- 1) 4.5% from May 3, 2003 to August 31, 2003. There were 121 calendar days during this period. This amounts to a total interest for this period of CI\$ 264.99.
- 2) 3% from September 1, 2003 to February 11, 2004. There were 164 calendar days during this period. This amounts to a total interest for this period of CI\$ 239.44.

The total amount of interest claimed pursuant to the Judicature Law and the Judgment Debts Rates of Interest Rules is as of February 11, 2004 is CI\$ 504.43 and is increasing at a rate of CI\$ 1.46 per diem.

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE  
OF WRIT OF SUMMONS**

1. The accompanying form of *Acknowledgement 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, PO Box 495, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 endorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2). The defence must be served within fourteen (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 endorsed on the Writ, the defence need not be served until fourteen (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 judgement 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 fourteen (14) days after his Acknowledgement, 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 installments or otherwise.

**Notes for Guidance**

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
2. For the purpose of calculating the period of fourteen (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.
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 in 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 authorized to act on behalf of the Company, but the Company can take no further steps in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL HEALTH 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.

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 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.*

**BROADHURST DaCOSTA  
ATTORNEYS-AT-LAW  
40 LINWOOD STREET  
PO BOX 2503 GT  
GEORGE TOWN, GRAND CAYMAN  
CAYMAN ISLANDS, BWI**

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