

IN THE GRAND COURT OF THE CAYMAN ISLANDS

378  
CAUSE NO: of 2004

BETWEEN: PAUL YOUNG

PLAINTIFF

AND: MARCEL ARCHER

FIRST DEFENDANT

ISLAND MEDICAL SUPPLIES LTD

SECOND DEFENDANT

WRIT OF SUMMONS



TO THE DEFENDANTS:

Marcel Archer  
c/o Island Medical Supplies Ltd.  
PO Box 1749 GT  
89 Abbey's Way, Red Bay  
Grand Cayman

Island Medical Supplies Ltd  
PO Box 1749 GT  
89 Abbey's Way, Red Bay  
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 [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 13th day of August 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 issue unless renewed by order of the Court.

**IMPORTANT**

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

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**STATEMENT OF CLAIM**

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1. At all material times both the Plaintiff and the Defendant were residents of the Cayman Islands.
2. The Plaintiff is the owner of 5,000 shares in the Second Defendant.
3. On or about the 23<sup>rd</sup> June 2003, the First Defendant and/or the Second Defendant agreed to purchase the Plaintiff's share in the company for the sum of CI\$35,000.00.
4. In accordance with the agreement, payment in the sum of CI\$5,000.00 was required to be made by the First and/or the Second Defendant on the 31<sup>st</sup> October 2003 and every month thereafter until the CI\$35,000.00 was paid in full.
5. In breach of the agreement, no payments were made. The First and/or the Second Defendant therefore owes to the Plaintiff the sum of CI\$35,000.00.

**AND THE PLAINTIFF CLAIMS:**

1. Judgment in the sum of CI\$35,000.00;
2. Pre and post judgment interest pursuant to Section 34(1) of the Judicature Law (1995 Revision);
3. Costs; and
4. Such further and/or other relief.

If within the time for returning the acknowledgment of service the Defendant pays the total amount claimed of CI\$35,000.00, interest calculated at the rate of CI\$2.92 per diem from 29<sup>th</sup> February 2004 until payment, plus the sum of CI\$900.000 in respect of fixed costs and fees, further proceedings will be stayed. The funds must be paid to the Plaintiff or his attorney.



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**CAMPBELLS**  
**Attorneys-at-Law for the Plaintiff**

**THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM** is issued by Campbells, Attorneys-at-Law for and on behalf of the Plaintiff, whose address for service is 4<sup>th</sup> Floor, Scotiabank Building, George Town, Grand Cayman (Ref: STM/MPC/flk/11328).

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**ACKNOWLEDGEMENT OF SERVICE  
OF WRIT OF SUMMONS**

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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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2. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged –

MARCEL ARCHER and ISLAND MEDICAL SUPPLIES LTD

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3. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)

yes

no

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4. 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

no

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Service of the Writ is acknowledged accordingly

(Signed) \_\_\_\_\_

Attorney for

## 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 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 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.