



No. 1

Writ of Summons (0.6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN:

Michael Doyle

AND: GEORGE CARVILLE AND (JOE) JOSEPH MCKENNA DEFENDANT'S

PLAINTIFF

CAUSE NO: <sup>88</sup> OF 2005

Fees	150
Receipt No.	364947
Date	25/2/05

WRIT OF SUMMONS

TO: [name and address of Defendant] (JOE) JOSEPH MCKENNA OF MEADOWFIELD GOLF ROAD SKERRIES IN THE COUNTY OF DUBLIN, REPUBLIC OF IRELAND

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 25<sup>th</sup> day of Feb 2005

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.

THE PLAINTIFFS CLAIM IS AGAINST THE DEFENDANTS FOR THE FOLLOWING RELIEFS:

- 1 A. PROPRIETORY INTEREST IN FUNDS THORNHILL TRUSTS
- 1 DAMAGES FOR FRAUD
- 2 A. CLAIM FOR NORMAL BANK INTEREST
- 2 CLAIM FOR COSTS IN PURSUING THIS CLAIM
- 3 THE PLAINTIFF MICHAEL DOYLE CLAIMS EQUITABLE RELIEF

DATED THIS 25<sup>TH</sup> DAY OF FEBRUARY 2005

SIGNATURE OF PLAINTIFF MICHAEL DOYLE *Michael Doyle*

TO : THE CLERK OF THE COURT

AND TO : GEORGE CARVILLE

97 THE RISE MOUNT MERRION STILLORGAN

IN THE COUNTY OF DUBLIN REPUBLIC OF IRELAND

AND TO : (JOE) <sup>JOSEPH</sup> MC KENNA

OF MEADOWFIELD GOLF ROAD SKERRIES

IN THE COUNTY OF DUBLIN REPUBLIC OF IRELAND

[Either set out a statement of claim in full]

**STATEMENT OF CLAIM**

[Or a concise statement of the nature of the claim]

AND THE PLAINTIFF claims:

1. [The amount and nature of the claim];
2. [Details of any claim for interest];
3. [A claim for costs, if any].

[Or where the Plaintiff's claim is for a debt or liquidated demand only:

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of [\$ ] (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.]

Michael Doye  
[Signature of Plaintiff or his Attorney]

THIS WRIT was issued by [name of Plaintiff or his Attorney] whose address for service is [state address within the jurisdiction].

**Acknowledgement of service of writ of summons (0.12, 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**

**Notes for Guidance**

1. Each Defendant, or there are more than one, must 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 its 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.

**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.

Michael Doyle  
13 STILLORGAN ROAD  
DONNYBROOK DUBLIN 4  
REPUBLIC OF IRELAND

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

GEORGE CARVILLE  
OF 97 THE RISE, MOUNT MERRION  
STILLORGAN IN THE COUNTY  
OF DUBLIN, REPUBLIC OF IRELAND

AND:

(JOE) JOSEPH MCKENNA  
OF MEADOWFIELD, GOLF ROAD  
SKERRIES IN THE COUNTY OF DUBLIN  
REPUBLIC OF IRELAND

BETWEEN MICHAEL DOYLE . PLAINTIFF .

AND GEORGE CARVILLE DEFENDANT

AND JOSEPH  
(JOE) MC KENNA DEFENDANT  
1

ACKNOWLEDGEMENT OF SERVICE OF WRIT OF SUMMONS

FULL NAME OF DEFENDANTS

1. GEORGE CARVILLE .  
(JOE) JOSEPH MC KENNA .

2. STATE WHETHER THE DEFENDANTS INTENDS TO CONTEST THE PROCEEDINGS

YES  NO

3. IS CLAIM FOR A DEBT OF LIQUIDATED DEMAND.  
STATE WHETHER DEFENDANTS INTEND TO APPLY FOR A STAY OF EXECUTION AGAINST  
ANY JUDGEMENT ENTERED BY THE PLAINTIFF.

YES.

SERVICE OF WRIT IS ACKNOWLEDGED ACCORDINGLY .

SIGNED . MICHAEL DOYLE Michael Doyle .

DEFENDANT IN PERSON

ADDRESS FOR SERVICE : GEORGE CARVILLE  
OF 97 THE RISE . MOUNT MERRION . STILLORGAN  
IN THE COUNTY OF DUBLIN . REPUBLIC OF IRELAND .

AND : (JOE) JOSEPH MC KENNA .  
OF MEADOWFIELD . GOLF ROAD . SKERRIES  
IN THE COUNTY OF DUBLIN .



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 28 OF 2005

BETWEEN:

PLAINTIFF

AND:

DEFENDANT

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 Delay may result in judgment being entered  
directions and notes for guidance against a Defendant whereby he may have to  
carefully before completing this form. If pay the costs of applying to set it aside.  
any information required is omitted or  
given wrongly, THIS FORM MAY  
HAVE TO BE RETURNED.

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)
 

<input type="checkbox"/> yes	<input type="checkbox"/> 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)
 

<input type="checkbox"/> yes	<input type="checkbox"/> no
------------------------------	-----------------------------

Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

Please complete overleaf