

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN:

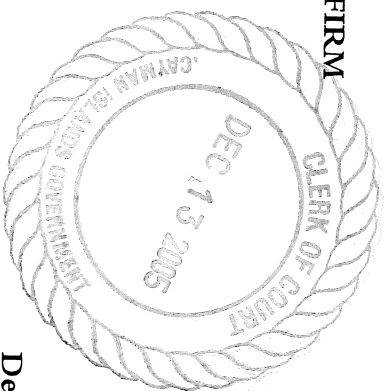
CAUSE NO: 568
OF 2005



APPLEBY SPURLING HUNTER, A FIRM

AND

SONIA BUSH



Plaintiff

Defendant

WRIT OF SUMMONS

TO: Sonia Bush
110 Yellow Stone Road
Newlands
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, PO Box 495GT, Grand Cayman, 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 12th day of December 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 Acknowledgement of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff is a law firm, with offices located at PO Box 190GT, Clifton House, 75 Fort Street, George Town, Grand Cayman.
2. The Defendant is a resident of the Cayman Islands, who resides at 110 Yellow Stone Road, Newlands, Grand Cayman, Cayman Islands.
3. In or about July 2003, the Defendant engaged the services of the Plaintiff to advise and represent her in relation to an application for a restraining order against Bertha Thompson in Cause No. 70 of 2004 and Cause No. 186 of 2004, respectively.
4. The Plaintiff did provide legal services and incurred expenses on the behalf of the Defendant.
5. The Plaintiff rendered the following invoices for payments to the Defendant for legal services and expenses provided to the Defendant.

Date	Invoice #	Amount (US\$)	Amount Paid (US\$)	Amount Owing (US\$)
11 Aug 2003	#43785	\$1,006.71	\$1,006.71	\$0.00
30 Sept 2003	#45074	\$5,979.50	\$5,979.50	\$0.00
30 Jan 2004	#47562	\$2,860.24	\$2,860.24	\$0.00
27 Feb 2004	#48091	\$3,352.81	\$675.05	\$2,677.76
29 Apr 2004	#49783	\$4,780.32	\$0.00	\$4,780.32
	Total	US\$17,979.58	US\$10,521.5	US\$7,458.08

6. Demand for payment of the outstanding invoices was made on numerous occasions, which include written correspondences dated 5 May 2004, 2 June 2004, 29 July 2004 and 19 May 2005. The Plaintiff also made oral requests for payment via telephone on 26 August 2005, 14 September 2005 and 9 November 2005. During the telephone call between the Plaintiff and the Defendant on 9 November 2005, the Plaintiff requested the Defendant provide a valid mailing address. The Defendant requested that the Plaintiff send


its demand for payment of the invoices by email to her designated private email account at sonia.bush@westartv.com, as the Defendant has no mailing address.

7. Accordingly, a final demand was made by the Plaintiff by email sent at 10 November 2005 at 9:08am to the Defendant at the email address supplied to the Plaintiff for the purposes of correspondences regarding settlement of this outstanding debt, namely soniabush@westartv.com. On 10 November 2005 at 6:06pm, the Plaintiff received through its server an automated 'read' receipt confirming the above email demand sent on 10 November 2005 to the Defendant's email account was read at 10 November 2005 at 6:05PM.

8. The Defendant is indebted to the Plaintiff for legal services and disbursements in the amount of US\$7,458.08, plus interest, which sums remain outstanding.

AND THE PLAINTIFF CLAIMS:

1. Principal in the amount of US\$7,458.08;
2. Pre and post Judgment Interest from 29 March 2004 in accordance with the Judicature Law (1995 Revision) at the rate of 3% interest per annum and the Judgment Debts (Rates of Interest) Rules as amended;
3. Costs on an indemnity basis or the standard basis in accordance with the Court Costs Rules 2001.
4. Such further and other relief as this Court may deem just.


Appleby Spurling Hunter

Attorneys-at-Law for the Plaintiff

Plaintiff's address for service:

Appleby Spurling Hunter Attorneys-at-Law Clifton House 75 Fort Street PO Box 190 GT, Grand Cayman Tel: 949-4900 Fax: 949-4901 Ref: MM/NJ/09888.666

INDORSEMENT

The amount claimed in respect of the debt is US\$7,458.08 as principal and US\$381.89 in interest, with costs to be assessed. 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, interest and the costs of issuing the writ of summons (US\$182.93), these proceedings will be stayed. If no payment is made, the Plaintiff elects to have costs taxed.

INDORSEMENT REGARDING INTEREST

(Order 6(2)(e) of the Grand Court Rules)

- i. The prescribed rate of interest during the entire relevant period from 27 March 2004 is 3.0%;
- ii. The total interest claimed as at the date of the issue of the Writ of Summons is US\$381.89.
- iii. The amount of interest accruing each day following the issue of the Writ of Summons is US\$0.61 per day.

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 each Defendant or by each 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 installments or otherwise.

See over for notes for guidance

Please complete overleaf

Notes for Guidance

1. Each Defendant (if there is 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 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 385 OF 2005

568

BETWEEN:

APPLEBY SPURLING HUNTER, A FIRM

Plaintiff

AND

SONIA BUSH

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 directions **FORM MAY HAVE TO BE**
and notes for guidance carefully before **RETURNED.**
completing this form. If any information Delay may result in judgment being entered
required is omitted or given wrongly, **THIS** 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 liquidated demand, ANID 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

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 communication for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

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

Appleby Spurling Hunter
Attorneys-at-Law
75 Fort Street
P. O. Box 190 GT
Grand Cayman
Tel: 949-4900
Fax: 949-4901
Ref: MM/09888.666

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

