

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: *296* of 2006

BETWEEN: FRANK P. EAR

PLAINTIFF

AND: CAYMAN NATIONAL BANK LIMITED

DEFENDANT



WRIT OF SUMMONS

TO THE DEFENDANT:

Cayman National Bank Limited
of
Cayman National Building
200 Elgin Avenue
PO Box 10340 APO
Grand Cayman
Cayman Islands BWI



THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs 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 July 2006.

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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 296 of 2006

BETWEEN: **FRANK P. EAR** **PLAINTIFF**

AND: **CAYMAN NATIONAL**
BANK LIMITED **DEFENDANT**

STATEMENT OF CLAIM

1. The Defendant is a limited company incorporated in accordance with the laws of the Cayman Islands carrying on the business of *inter alia* retail banking.
2. The Plaintiff is a citizen of the United States of America and a retail banking customer of the Defendant, having a US\$ chequing account numbered 021-01885 ("the Account").
3. Wrongfully, and in repudiatory breach of its contract with the Plaintiff, the Defendant has failed and refused to accept and follow the Plaintiff's instructions in connection with the Account and, consequently to allow the Plaintiff to make withdrawals from, or to close, the Account since October 2001.
4. The Plaintiff accepts the Defendant's repudiatory breach by the issue of this writ.
5. By reason of the matters set out above, the Plaintiff has suffered loss and damage in the amount of the credit balance standing in the Account as at 1st November 2001 (a figure currently unknown to the Plaintiff, but not less than about US\$52,000).
6. Further, the Plaintiff seeks and is entitled to interest pursuant to section 34(1) of the Judicature Law (1995 Revision) at such rate from such date and on such amount as the Court thinks fit.

AND THE PLAINTIFF CLAIMS:

1. A declaration that he is entitled to and has closed the Account
2. Repayment of the credit balance in the Account as at 1st November 2001 alternatively damages for breach of contract
3. Pre and post judgment interest pursuant to Section 34(1) of the Judicature Law (1995) Revision to be assessed
4. Costs; and
5. Such further and/or other relief as this honourable Court thinks fit.

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 4th Floor, Scotiabank Building, George Town, Grand Cayman (Ref: STM/MPC/flk/12596).

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: of 200

BETWEEN:

FRANK P. EAR

PLAINTIFF

AND:

**CAYMAN NATIONAL
BANK LIMITED**

DEFENDANTS

**WRIT AND
STATEMENT OF CLAIM**

Campbells
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Ref: STM/KAH/cp/125

Attorneys for the Plaintiff