

IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO *90164* OF 2007

BETWEEN: CHARLES ADAMS RITCHIE & DUCKWORTH (a Firm) PLAINTIFF

AND: PURE AIR LIMITED DEFENDANT

WRIT OF SUMMONS

TO: FAO Mr Bob Nowack  
Pure Air Lt  
PO Box 2039 KY1-1105  
Seymour Drive  
George Town  
Grand Cayman  
CAYMAN ISLANDS



THIS WRIT OF SUMMONS has been issued 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 of Summons on you, counting the day of service, you must either satisfy the claim or return to the Courts Office, George Town, PO Box 495, Grand Cayman, KY1-1106, 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 23<sup>rd</sup> day of April 2007.

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.

**INDORSEMENT**

The Plaintiff's claim against the Defendant is for US\$23,795.64 (Plus interest, filing fees, bailiff's fees and fixed costs), being the sum owed by the Defendant pursuant invoices rendered on 24 November 2005.

*Charles Adams Ritchie & Duckworth*

**CHARLES ADAMS RITCHIE & DUCKWORTH  
ATTORNEYS-AT-LAW FOR THE PLAINTIFF**

This Writ was issued by Charles Adams Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is 2<sup>nd</sup> Floor, Zephyr House, 122 Mary Street, George Town, PO Box 709, Grand Cayman, KY1-1107, CAYMAN ISLANDS

BETWEEN: CHARLES ADAMS RITCHIE & DUCKWORTH (a Firm) PLAINTIFF

AND: PURE AIR LIMITED DEFENDANT

ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

Important. Read the accompanying direction 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.

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, 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

Service of the Writ is acknowledged accordingly

(Signed) .....
[Attorney] for
Address for Service:

**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.

Charles Adams Ritchie & Duckworth  
2<sup>nd</sup> Floor Zephyr House 122 Mary Street  
George Town  
PO Box 709  
Grand Cayman KY1-1107  
CAYMAN ISLANDS

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

[Empty box for Defendant's Attorney indorsement]

Filed by Charles Adams Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is that of its said Attorneys-at-Law, 2<sup>nd</sup> Floor, Zephyr House, 122 Mary Street, George Town, PO Box 709, Grand Cayman, KY1-1107, CAYMAN ISLANDS

**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 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.

**BETWEEN:** CHARLES ADAMS RITCHIE & DUCKWORTH (a Firm)

**PLAINTIFF**

**AND:** PURE AIR LIMITED

**DEFENDANT**

**STATEMENT OF CLAIM**

1. The Plaintiff is and was at all material times a firm of Attorneys-at-law carrying on their practice at Zephyr House, 122 Mary Street, Georgetown, Grand Cayman, Cayman Islands.
2. The Defendant is a resident in the Cayman Islands.
3. On or about 28 September 2000 the Plaintiff obtained instructions from the Defendant (and/or its previous corporate entity, P.M. Industrial Gas Ltd) to provide corporate services and legal advice.
4. Pure Air is a local company that produces and distributes oxygen cylinders, primarily for hospitals. The majority of its shares are held by the Conor Pacific Group in Vancouver, Canada.
5. On or about 1 February 2001 the Plaintiff was instructed by the Defendant to provide advice on the restructuring of the ownership and inter-group debt of Pure Air and its affiliated Cayman companies, JBZ (2001) Ltd and PM Industrial Gas Ltd. The outstanding fee note in relation to this matter is fee note #15488 dated 24 November 2005 in the sum of **US\$3,575.01**.
6. On or about 26 August 2004 the Plaintiff was instructed by the Defendant to provide advice on the negotiation, drafting and settlement of a share purchase and shareholder agreement between Pure Air and its Cayman Manager, Roberto Silva. The outstanding fee note in relation to this matter is fee note #15489 dated 24 November 2005 in the sum of **US\$10,164.77**.
7. On or about 7 June 2005 the Plaintiff was instructed by the Defendant to provide advice on the Refinancing of Pure Air's Scotiabank loans by RBC. The outstanding fee note in relation to this matter is fee note #15490 dated 24 November 2005 in the sum of **US\$10,055.86**.
8. The Plaintiff considers all the fee invoices to be reasonable.

9. By correspondence dated the, 24 November 2005, 19 January 2006 and 13 February 2007, the Plaintiff requested that the Defendant pay the debt owed.

10. Notwithstanding the said demands, the Defendant has refused to make payment and as a result the Plaintiff is seeking the assistance of the Court in order to collect this debt.

**AND THE PLAINTIFF CLAIMS:-**

1. The sum of **US\$23,795.64**.
2. Pre-Judgment Interest of US\$2,166.60 calculated pursuant to Section 34 of the Judicature Law for the period 19 January 2006 to 23 April 2007, at the rate of 7¼% per annum, or at such other rate as the Court directs.
3. Post-Judgment Interest thereafter pursuant to Section 34 of the Judicature Law (2004 Revision).
4. Fixed costs.
5. Filing fees and bailiff's fees.

**STATEMENT REGARDING INTEREST:**

1. The total amount of interest claimed is US\$326.60 in relation to fee note 15488, US\$915.40 in relation to fee note 15489 and US\$924.60 for a total sum of **US\$2,166.60**.
2. The interest accruing each day hereafter is US\$0.71, US\$1.99 and US\$2.01 respectively.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of US\$23,795.64 (Plus interest, filing fees, bailiff's fees and fixed costs) further proceedings will be stayed. The money must be paid to the Plaintiff.

  
**CHARLES ADAMS RITCHIE & DUCKWORTH**  
**ATTORNEYS-AT-LAW FOR THE PLAINTIFF**

This Statement of Claim was issued by Charles Adams Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is 2<sup>nd</sup> Floor, Zephyr House, 122 Mary Street, George Town, PO Box 709, Grand Cayman, KY1-1107, CAYMAN ISLANDS