

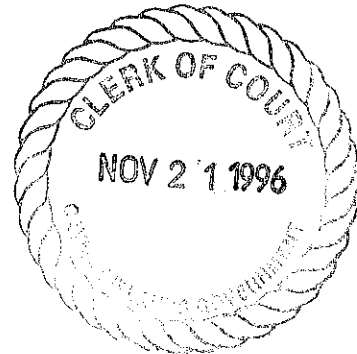
IN THE GRAND COURT OF THE CAYMAN ISLANDS

Cause No. <sup>639</sup> of 1996.

Between : PATRICIA FLEMING Plaintiff  
And : RON HOWARD RIVERS Defendant

WRIT OF SUMMONS

To : Ron Howard Rivers  
Birch Tree Hill  
West 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 fourteen (14) days after the service of this Writ on you, counting the date of service, you must either satisfy the claim or return to the Court Office, P.O. Box 295, George Town, Grand Cayman, Cayman Islands, B.W.I. 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 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 <sup>21<sup>st</sup></sup> day of November, 1996.

**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**

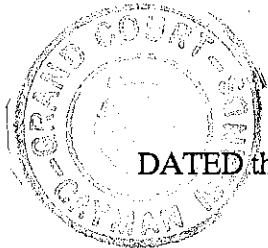
Directions for Acknowledgment of Service are given with the accompanying form.



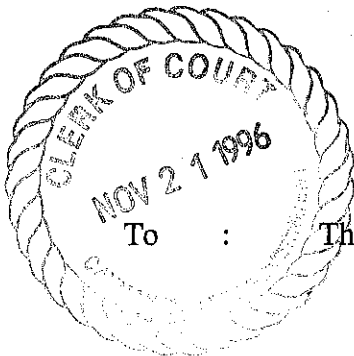
## INDORSEMENT OF CLAIM

THE PLAINTIFF'S claim against the Defendant is for:

1. An injunction to restrain the Defendant whether by himself, his servants, agents or otherwise, howsoever, from trespassing on the Plaintiff's property at #55 Cayman Reef Resort, West Bay Road, Grand Cayman by approaching near to or entering those premises.
2. An Order that the Defendant do forthwith be forbidden to molest the Petitioner, Patricia Fleming, or to cause or encourage anyone else to do so.
3. An Injunction Order in the following terms: That the Defendant shall not approach within 100 yards of #55 Cayman Reef Resort for such period as the Court shall think fit.
4. Damages for trespass and molestation.
5. Interest.
6. Further or other relief.
7. Costs.



DATED this *21<sup>st</sup>* day of November, 1996.



*Collins Broadhurst & Furniss*  
Collins Broadhurst & Furniss

This Writ of Summons has been issued by **Collins Broadhurst & Furniss**, Attorneys-at-Law, for the Plaintiff, whose address for service is Elizabethan Square, 2nd Floor, P.O. Box 2503, George Town, Grand Cayman, Cayman Islands, British West Indies

STATEMENT OF CLAIM



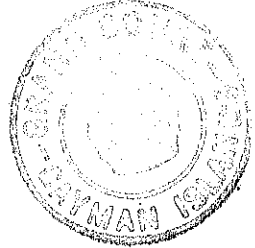
1. The Plaintiff is the owner of apartment #55 at Cayman Reef Resort, West Bay Road.
2. The Defendant is a Caymanian who had a serious eye problem.
3. The Plaintiff made arrangements for the Defendant to be taken to Canada from Cayman and to have eye surgery in Canada.
4. The Defendant returned to Cayman after the successful surgery.
5. The Defendant began to harass and cause difficulties for the Plaintiff after his return to Cayman.
6. The Defendant was informed by the Plaintiff that she was not prepared for him to enter her apartment whenever he felt like it and that he should stay away from her.
7. The Defendant refused to comply with this request and his behaviour became increasingly violent, disruptive and abusive.
8. On the 13th of October, 1996 the Defendant entered the Plaintiff's apartment and pulled the phone and fax machines onto the floor. The phone being destroyed.
9. On the 23rd of October, 1996 at a time when the Plaintiff had friends visiting, the Defendant entered the Plaintiff's apartment at Cayman Reef Resort, refused to leave when he was so requested and the Police had to be called to escort the Defendant back to West Bay.
10. The Plaintiff caused a warning to be issued to the Defendant by the Police and she herself had a letter informing the Defendant to keep away from her and her premises delivered to the Defendant by a local Security firm on the 24th of October, 1996.
11. On the 30th of October, 1996 the Defendant again illegally entered the Plaintiff's apartment.
12. On the 4th of November, 1996 the Defendant assaulted the Plaintiff on the roadway outside the Plaintiff's apartment complex. A friend of the Plaintiff observed the incident, restrained the Defendant and escorted him away from the Plaintiff.

**AND THE PLAINTIFF therefore claims:**

1. An injunction to restrain the Defendant whether by himself, his servants, agents or otherwise, howsoever, from trespassing on the Plaintiff's property at #55 Cayman Reef Resort, West Bay Road, Grand Cayman by approaching near to or entering those premises.
2. An Order that the Defendant do forthwith be forbidden to molest the Petitioner, Patricia Fleming, or to cause or encourage anyone else to do so.



3. An Injunction Order in the following terms: That the Defendant shall not approach within 100 yards of #55 Cayman Reef Resort for such period as the Court shall think fit.
4. Damages for trespass and molestation.
5. Interest.
6. Further or other relief.
7. Costs.



This Writ of Summons has been issued by **Collins Broadhurst & Furniss**, Attorney's-at-Law, for the Plaintiff, whose address for service is Elizabethan Square, 2nd Floor, P.O. Box 2503, George Town, Grand Cayman, Cayman Islands, British West Indies.



IN THE GRAND COURT OF THE CAYMAN ISLANDS

Cause No. <sup>639</sup> of 1996.

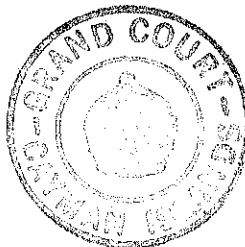
Between : PATRICIA FLEMING Plaintiff  
And : RON HOWARD RIVERS Defendant

ACKNOWLEDGMENT OF SERVICE  
WRIT OF SUMMONS

To : Ron Howard Rivers  
Birch Tree Hill  
West Bay, Grand Cayman

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.

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

[Defendant in person]

Address for service:

Please complete overleaf

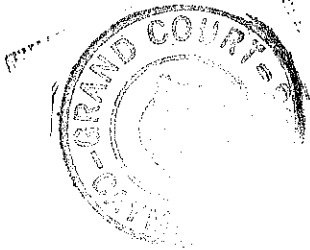
Notes on address for service

**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 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.*

Collins Broadhurst & Furniss  
Elizabethan Square, 2nd Floor  
P.O. Box 2503 GT, Grand Cayman  
Cayman Islands, B.W.I.



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

Acknowledgment of service of writ of summons (O.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 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 (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.
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 authorized 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 guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

