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## STATEMENT OF CLAIM

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1. The Plaintiff was at all material times the sole owner of the trading entity registered as Randy O. Whittaker, trading as Party Land with premises located at #9 Boddan Place, Shedden Road, George Town, Grand Cayman ( hereinafter referred to as "the business")
2. The Defendant was at all material times an employee of the business with day to day conduct of the business on behalf of the Plaintiff.
3. On or about the 8<sup>TH</sup> day of February, 2008 the Defendant changed the locks at the business and removed the sign "Party Land" which was previously affixed above the front door of the business, without the Plaintiff's consent.
4. By letter dated the 23<sup>rd</sup> July 2007 the Plaintiff's attorneys wrote to the Defendant informing her that she was not entitled to change the locks at the premises of the business and to desist from any such actions, but the Defendant has ignored this warning.
5. The Defendant has by numerous phone calls threatened the Plaintiff and informed him that he was not to approach the business. The Plaintiff now understands that the Defendant has been granted a trade and business licence in the name of Stephanie Nicoletta T/A Serenity and for which the address of this entity is the same as that of the business and that the Defendant is issuing receipts in the name of the entity Serenity for the goods and stocks which form part of the business.
6. In the premises, the Defendant has converted the business to her own use.
7. By reason of the conversion the Plaintiff has suffered loss and damage which he cannot fully quantify. The Plaintiff is unable to specify the quantity of goods converted by the Defendant without disclosure and the provision of further information.

**AND THE PLAINTIFF CLAIMS:**

- (1) Damages.
  - (2) An injunction to restrain the Defendant by herself, her servants or agents from:
    - (a) carrying on the business or any other business at the premises at #9 Boddan Place, Shedden Road, George Town, Grand Cayman
    - (b) entering the premises at the business at #9 Shedden Road, George Town, Grand Cayman
    - (c) preventing the Plaintiff whether by himself, his servant and/or agents from entering the premises of the business at #9 Boddan Place, Shedden Road, George Town, Grand Cayman.
  - (3) An Order to the Defendant for:
    - (a) an account as at 23<sup>rd</sup> July 2007 of all sales of Goods for the business, the proceeds of those sales;
    - (b) payment by the Defendant to the Plaintiff of all sums found to be due from the Defendant to the Plaintiff on the taking of the account under 4 (a) above
  - (4) Pre-judgment and post judgment interest in accordance with the Judicature Law (as amended)
  - (5) Such further and/or other order that the Court deems fit.
- Dated this 12<sup>th</sup> day of February 2008

*Associated Advocates Chambers*  
Associated Advocates Chambers  
Attorneys-at-Law for the Plaintiff

This **statement of claim** was filed by Associated Advocates Chambers, Attorneys-at-Law for the Plaintiff whose address for service is that of his attorneys-at-Law at #196 Shedden Road, George Town, Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. *60092* OF 2008

BETWEEN

RANDY WHITTAKER  
T/A PARTY LAND

PLAINTIFF

and

STEPHANIE ROMANO aka  
STEPHANIE NICOLETTA

DEFENDANT

AND

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

1. State the 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 the 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 the appropriate 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 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 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:

Associated Advocates Chambers  
Attorneys-at-Law  
FIS Building  
#196 Sheddén Road  
George Town  
Grand Cayman

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

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS.**

1. The accompanying form of *Acknowledgement 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 Acknowledgement 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 endorsed 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 judgement is served on the Defendant.

If the defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgement 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 judgement 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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgement, 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

## Notes for Guidance

1. Each Defendant (if there are 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 a (                    )” 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.