

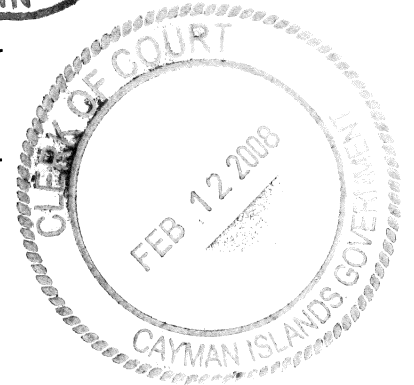
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. G0093 OF 2008

BETWEEN RANDY WHITTAKER PLAINTIFF
and
AND STEPHANIE ROMANO DEFENDANT
aka STEPHANIE NICOLETTA



WRIT OF SUMMONS



Stephanie Romano aka Stephanie Nicoletta
c/o Party Land
Bodden Place
Shedden Road
George Town

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 service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Courts Office, P.O. Box 495 GT, George Town, Grand Cayman, the accompanying Acknowledgement of Service form stating whether you intend to contest these proceedings.

If you fail to satisfy the claim or fail to return the Acknowledgement of Service form within the time stated or if you return the Acknowledgment of Service form 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 any further notice to you.

Issued this 12th day of February 2008

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 was at the material time a customs officer and a resident of Grand Cayman.
2. The Defendant is also a resident of Grand Cayman.
3. On the 11th of February, 2008 at approximately 3:10 pm the Plaintiff was walking with his daughter Shanaz Whittaker along Cardinal Avenue in George Town Grand Cayman, when the Defendant approached the Plaintiff in the vicinity of The Royal Bank of Canada entrance.
4. The Defendant then started to curse the Plaintiff and when the Plaintiff did not respond to her, without warning she assaulted the Plaintiff.

Particulars

- (i) The defendant was carrying a cup which was full of liquid and she threw this liquid at the Plaintiff striking the Plaintiff in his head and causing the liquid from the cup to spill unto his clothing
 - (ii) The Defendant then struck the Plaintiff twice across his head with the cup which she still had in her hand.
 - (iii) When the Plaintiff tried to continue to the Bank the Defendant continue to curse the Plaintiff saying "Don't you f...ing go into that bank cause I would embarrass you wherever you go."
5. By reason of the matters set out above the Plaintiff whose date of birth is 7th October 1968 has suffered embarrassment pain and injury.

Particulars of Injury

- (i). Abrasions and swelling to the left parietal region of head.

6. The Defendant had previously threatened to embarrass the Plaintiff and has inundated him with numerous phone calls and attended at his workplace on many occasions and acted in a threatening manner toward the Plaintiff.

AND THE PLAINTIFF CLAIMS:

- (1) Damages for assault and battery.
- (2) An injunction to restrain the Defendant from coming within 100 ft of the Plaintiff or attending at his workplace except for legitimate business reasons or from in any way either by herself, her servants or agents from interfering with the Plaintiff or his property.
- (3) Pre-judgment and post judgment interest in accordance with the Judicature Law (as amended)
- (4) Such further and/or other order that the Court deems fit.

Dated this 12th 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.

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CAUSE NO. OF 2008

BETWEEN RANDY WHITTAKER PLAINTIFF
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**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 Shedden 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:

[Empty box for Defendant's Attorney indorsement]

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.