

No. 1

**Writ of Summons (0.6, r.1)**

IN THE GRAND COURT OF THE CAYMAN ISLANDS



Cause No: 25 of 2009

BETWEEN: THE ATTORNEY-GENERAL

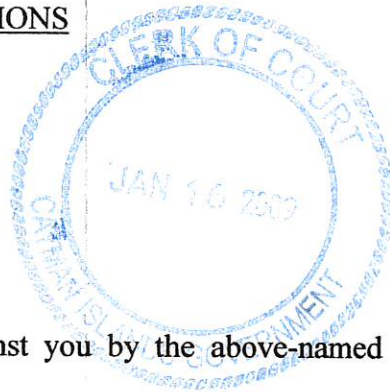
PLAINTIFF

AND: OLGA POUCHIE

DEFENDANT

WRIT OF SUMMONS

TO:  
OLGA POUCHIE  
Parkway Drive, West Bay  
Employer: Royal Bank of Canada – Trust Dept.  
Phone: 345-949-2760 or 949-4600



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 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 495 GT, 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 9th of January, 2009

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.

## STATEMENT OF CLAIM

1. The Plaintiff claims CI\$30,000.00 from the Defendant for repayment of a student loan.
2. On 16<sup>th</sup> December 1998 the Defendant signed as surety for Sasha Frederick in an agreement with the Cayman Islands Government. Paragraph (2) of this agreement states that upon completion of a degree program in Agronomy the Defendant would be obligated to work for the Cayman Islands Government, Department of Agriculture for a period of four years. By signing as surety the Defendant committed herself jointly with Ms. Frederick for full responsibility for repayment of the loan when Ms Frederick finished school in the year 2002.
3. In return for this consideration, the Cayman Islands Government agreed to pay the sum of CI\$71,000.00 for the Defendants tuition in order for her to obtain a degree in Agronomy.
4. Upon completion of her programme Sasha Frederick worked with the Department of Agriculture in the Cayman Islands Government for the period August 2003 to September 2005, thereby completing two years of service.
5. Sasha Frederick failed to provide the additional two years service to the Department of Agriculture of the Cayman Islands Government as agreed.
6. As per paragraph (F) of the agreement, if the Defendant is dismissed from the service for Misconduct or resigns during the course of study or within the period specified in paragraph (2) of said agreement she should repay the Department of Agriculture of the Cayman Islands Government the cost associated with the course of study.
7. The Cayman Islands Government has deducted from the cost of study the time the Defendant worked for the Department of Agriculture of the Cayman Islands Government.
8. The amount due for the period not worked by the Defendant is \$35,000.00, Periodic Payments have been made totaling \$5,000.00. The last payment was made 12<sup>th</sup> November 2008, leaving a balance of \$30,000.00 still owing.

AND THE PLAINTIFF claims:

1. The sum of CI\$154,275.82.
2. Interest at the statutory rate of 5.50%
3. Fixed cost of CI\$250.00, alternatively costs to be assessed.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed further proceedings will be stayed. The money must be paid to the Plaintiff.



On behalf of the Attorney-General

THIS WRIT was issued by The Attorney-General whose address for service is  
c/o The Treasury Department, Government Administration Building, George Town,  
Grand Cayman.

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 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 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

Cause No. of 2009

BETWEEN: THE ATTORNEY-GENERAL

PLAINTIFF

AND: OLGA POUCHIE

DEFENDANT

ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you, give him this for 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

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1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

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2. State whether the Defendant intends to contest the proceeding (*tick appropriate box*)

Yes

No

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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

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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.

*Endorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, Address and reference, if any, in the box below.*

THE ATTORNEY-GENERAL  
C/O THE TREASURY DEPARTMENT  
GOVERNMENT ADMINISTRATION BUILDING  
GEORGE TOWN  
GRAND CAYMAN

*Endorsement 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 endorsement]