



**ND COURT OF THE CAYMAN ISLANDS**

**CAUSE NO:                      OF 2022**

FIX-IT CELLTRONIC LTD.

PLAINTIFF

AND:

LILAC SERVICES LTD.

DEFENDANT

WRIT OF SUMMONS

TO: Lilac Services Ltd  
 C/o FLOW Cayman  
 One Technology Square  
 George Town  
 P.O. Box 293  
 Grand Cayman KY1-1105  
 Cayman Islands

**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, 495GT, George Town, Grand, Cayman, the accompanying Acknowledgement of Service stating 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 judgement may be entered against you forthwith without further notice.

Issued this 18<sup>th</sup> day of May 2022.

**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.

**GENERAL INDORSEMENT**

The Plaintiff and the Defendant entered into a contract by which the Plaintiff agreed to provide the Defendant with installation and repairs services to the Defendant and its Affiliates (Flow Communications“FLOW”) at a cost of approximately CI\$ KYD18,530.00 monthly as confirmed by way of a payment of KYD18,530.00 from the Defendant credited to the Plaintiff’s company bank account on 21<sup>st</sup> May 2021. The Defendant has subsequently purported to recall or cancel the contract in breach of the contract. Accordingly, the Plaintiff seeks the remedy of specific performance or, alternatively, damages arising from the Defendant's breach of contract.

AND THE PLAINTIFF claims:

- 1 Specific performance of the Contract or,alternatively, damages for breach of contract;
- 2 Interest pursuant to the Court's equitable jurisdiction alternatively pursuant to section 34 of the Judicature Act (2021 Revision) and the Judgment Debts (Rates of Interest) Rules (2021 Revision);
- 3 Costs; and
- 4 Further or other relief as the Court deems appropriate.

Dated the 18<sup>th</sup> day of May 2021.



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MARTHA SELICEA RANKINE  
ATTORNEY-AT-LAW FOR THE PLAINTIFF

THIS WRIT was filed by MARTHA SELICEA RANKINE, Attorney-at-Law for the Plaintiff, whose address for service is that of the said attorney, at 2<sup>nd</sup> Floor, Genesis Building, 13 Genesis, Close, Grand Cayman KY1-1503, Cayman Islands.

**Acknowledgment of service of writ of summons (O.12, r.3)****DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS**

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 Plaintiffs (or on the Plaintiffs 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 Plaintiffs 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 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 guardian ad litem.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.



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

MARTHA SELICEA RANKINE  
Attorney-at-Law  
2<sup>nd</sup> Floor, Genesis Building  
Genesis Close  
P.O. Box 1191  
Grand Cayman KY1-1503  
T: +1 (345) 547-6725

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