

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: _____ OF 2023



VEEN

DATALINK, LTD.

PLAINTIFF

AND

INFINITY BROADBAND, LTD

DEFENDANT

WRIT OF SUMMONS

TO: Infinity Broadband, Ltd, trading as C3, of 409 Walkers Road, George Town, Grand Cayman, 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, PO Box 495G, George Town, Grand Cayman the accompanying Acknowledgement 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 29th day of May 2023

NOTE – This Writ may not be served later than four calendar months (or, if leave is required to effect service out of the jurisdiction, six 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 claims that the Defendant is contractually liable, under the Master Pole Joint Use Agreement dated 22 November 2005, as novated by the Novation Agreement made between them dated 7 May 2012 (the **First MPJUA**), and the further Master Pole Joint Use Agreement made between them, which the Defendant executed on 13 July 2022 (the **Second MPJUA**), to pay it:

1. the sums due under the outstanding invoices which the Plaintiff has issued to the Defendant pursuant to the First MPJUA;
2. the sums due under the outstanding invoices which the Plaintiff has issued to the Defendant pursuant to the Second MPJUA since its execution by the Defendant; and
3. interest on the sums due under all such outstanding invoices at the contractually prescribed rate of 1.5% per month pursuant to Clause III. F. of each of the First MPJUA and Second MPJUA, as applicable;

and that the Defendant has failed to make any payment in respect thereof. In the premises, the Plaintiff claims payment of the aforesaid debts and interest.

AND THE PLAINTIFF claims:

1. the sums due under the outstanding invoices which the Plaintiff has issued to the Defendant pursuant to the First MPJUA, being the sum of CI\$95,255.38;
2. the sums due under the outstanding invoices which the Plaintiff has issued to the Defendant pursuant to the Second MPJUA since its execution by the Defendant, being the sum of CI\$417,519.71;
3. interest on the sums due under such outstanding invoices as at 29 May 2023 at the aforesaid contractually prescribed rate of 1.5% per month, in the sum of CI\$97,269.07, and accruing at a daily rate of CI\$269.08 thereafter; and
4. costs in the sum of CI\$13,940 as at 29 May 2023.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of CI\$627,751.28 (inclusive of interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiff or its Attorney.

Dated this 29th day of May 2023

Appleby (Cayman) Ltd.
APPLEBY (CAYMAN) LTD.

THIS WRIT OF SUMMONS was issued by Appleby (Cayman) Ltd., of 9th Floor, 60 Nexus Way, Camana Bay, PO Box 190, Grand Cayman KY1-1104, Cayman Islands (Ref:SS/ASJ/318542.0019), Attorneys-at-Law for the Plaintiff, whose address for service is that of its said attorneys.

NO. 8**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 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 (.....)" 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 2023

BETWEEN	DATALINK, LTD.	PLAINTIFF
AND	INFINITY BROADBAND, LTD	DEFENDANT

**ACKNOWLEDGMENT 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. 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.

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

1. State whether the Defendant intends to contest the proceedings (tick appropriate box)

YES

NO

2. 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

NO

Service of the Writ is acknowledged accordingly

(Signed) _____

Attorney for

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.

Appleby (Cayman) Ltd., of 9th Floor, 60 Nexus Way, Camana Bay, PO Box 190, Grand Cayman KY1-1104, Cayman Islands (Ref:SS/ASJ/318542.0019).

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