



GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: GC OF 2023

B E T W E E N:

**LUXURY HOTELS INTERNATIONAL LODGING LTD.
TRADING AS GRAND CAYMAN MARRIOTT RESORT**

Plaintiff

-v-

MIRIAM FOSTER

Defendant

WRIT OF SUMMONS

TO:

**Miriam Foster
P.O. Box 10400
Grand Cayman KY1-1004
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 495, Grand Cayman, KY1-1106, Cayman Islands, 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 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 judgment may be entered against you forthwith without further notice.

Issued this 30th day of November 2023

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 is and was at all material times a company organised and carrying on business pursuant to the laws of the Cayman Islands. The Plaintiff's address for service is care of its attorneys, HSM Chambers, 68 Fort Street, George Town, P.O. Box 31726, Grand Cayman, KY1-1207, Cayman Islands. At all material times, the Plaintiff was, and remains, a company which manages hotel accommodation services to paying customers, and particularly from property known as and situate at Grand Cayman Marriott Resort, 389 West Bay Road, George Town, Grand Cayman, Cayman Islands (the "Resort").
2. The Defendant is an individual who resides in the Cayman Islands with a mailing address of P.O. Box 10400, Grand Cayman KY1-1004, Cayman Islands.
3. The Resort comprises a large hotel complex with 299 rooms and on-site amenities, including restaurants, bars, a swimming pool, and spa with fitness centre facilities.
4. On or around 8th February 2022, the Defendant contracted with the Plaintiff to occupy a hotel room operated and managed by the Plaintiff (the "Room") at the Resort, commencing 8th February 2022 (the "Check In Date"). No finite term was set for the Defendant's occupancy at the Check In Date; the occupancy of the Room was "open-ended". Occupancy of the Room incurred a daily charge.
5. The Defendant occupied the Room with other family members from 8th February 2022 until 30 January 2023. In addition to charges for the occupancy of the Room, further charges were incurred by the Defendant in relation to the use of additional amenities and services provided to the Defendant by the Plaintiff, namely meals at restaurants within the Resort. Rather than being paid for at the point of sale, the charges for the additional amenities and further services, were added to the Room account, to be paid subsequently.
6. At various times during the term of the Defendant's occupancy, payments were made to the Plaintiff by the Defendant and third parties in respect of charges which had been

incurred for occupancy of the Room and additional services and amenities. The payments were, however, insufficient to satisfy the charges incurred.

7. The total of the charges incurred during the period of the Defendant's occupancy of the Room was CI\$82,005.02. The payments made by or on behalf of the Defendant totalled CI\$59,909.19. The last payment made by or on behalf of the Defendant was received on 23 November 2022, in the sum of CI\$2,600.00. The unpaid balance at the date hereof is **CI\$28,095.83**.
8. On 3 May 2023, a formal demand letter was sent to the Defendant by sending the same via email to the known email addresses of the defendant, including: miriam.foster23@gmail.com, lovelocalcayman@gmail.com. Receipt of the demand letter was acknowledged by the Defendant by return email. Notwithstanding the written demand for payment, the Defendant has failed to make payment to the Plaintiff as demanded, or at all.
9. Accordingly, the Plaintiff claims the principal sum of CI\$28,095.83. In addition, the Plaintiff claims pre- and post-judgment interest from 30 January 2023 until the judgment debt is paid, in accordance with Section 34 of the *Judicature Law (2021 Revision)* and the *Judgment Debts (Rates of Interest) Rules (2021 Revision)* at the rate of 2.375% or for such rate and for such period as the Court deems fit.
10. The Plaintiff claims, all court fees, costs, and reasonable disbursements necessary for, and incidental to, the recovery of the sums claimed herein.

AND THE PLAINTIFF claims:

- a) Principal in the sum of CI\$28,095.83;
- b) Pre- and post-judgment interest in the sum of CI\$555.76 calculated from 30 January 2023 to 30 November 2023, and continuing at the daily rate of CI\$1.83, at the rate of 2.375% per annum in accordance with s.34 of the *Judicature Law (2021 Revision)* and the *Judgment Debts (Rates of Interest) Rules (2021 Revision)*;
- c) Costs to be taxed if not agreed; and

- d) Such further and other relief as this Court may deem just.

Hsm chambers

HSM CHAMBERS
Attorneys-at-Law for the Plaintiff

This WRIT OF SUMMONS was filed by HSM Chambers, Attorneys-at-law for the Plaintiff whose address for service is 68 Fort Street, George Town, P.O. Box 31726, Grand Cayman, KY1-1207, Cayman Islands (Ref: 312518-0031)

INDORSEMENT

The principal amount claimed in respect of the debt is CI\$28,095.83 as of the date of filing. The amount of the filing fees to commence the proceeding is CI\$200.00, plus ad valorem fees of CI\$180.96. If, within the time for returning the acknowledgement of service, the First and Second Defendants pay the plaintiff or its attorneys-at-law the total amount claimed in principal, interest and the costs of issuing the Writ of Summons, further proceedings will be stayed. The money must be paid to the plaintiff or to its attorneys-at-law.

INDORSEMENT REGARDING INTEREST

1. The Plaintiff claims interest in accordance with s.34 of the Judicature Law (2021 Revision) and the Judgment Debts (Rates of Interest) Rules (2021 Revision);
2. The prescribed rate of interest is 2.375% per annum;
3. The date from which interest is payable is 30 January 2023; and
4. The amount of interest accruing due each day is CI\$1.83.

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 each Defendant or by each Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, PO Box 495 GT, 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

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LUXURY HOTELS INTERNATIONAL LODGING LTD.
TRADING AS GRAND CAYMAN MARRIOTT RESORT

Plaintiff

-v-

MIRIAM FOSTER

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.

1. State the full 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 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 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 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 communication 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.

HSM Chambers
Attorneys-at-Law
68 Fort Street
P.O. Box 31726
George Town
Grand Cayman KY1-1207
CAYMAN ISLANDS

Ref: 312518-0031

Indorsement 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 attorney indorsement]