



ND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2024

BETWEEN:

EDGEWATER DEVELOPMENT LTD

PLAINTIFF

AND:

NYAMI NYAMI LTD

DEFENDANT

ORIGINATING SUMMONS

TO: Nyami Nyami Ltd, Silverside Management Ltd, PO Box 3149, Whitehall Chambers, 2nd Floor, Whitehall House.

LET THE DEFENDANT, within fourteen (14) days after service of this Summons on the Defendant, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, PO Box 495G, George Town, Grand Cayman KY1-1106, Cayman Islands.

By this Summons, which is issued on the application of Edgewater Development Ltd c/o KSG Attorneys, One Capital Place, Shedden Road, George Town Grand Cayman, PO Box 2255 G.T. KY1-1107, the Plaintiff claims against the Defendant the following relief relating to a construction contract between the parties dated the 16th October 2015 ("*The Bovell Residence, Casa Cayman*") ("**the Contract**") and a purported referral of a dispute relating to the Contract by the Defendant to an adjudicator, Mr Simon McKenny, on or around the 5th October 2023 ("**the Dispute**"):

1. A declaration that the Defendant is barred from referring the Dispute to the adjudicator or the tribunal (as defined at W1.3(2) of the Contract) and that the purportedly appointed adjudicator does not have jurisdiction to decide the Dispute, because the Defendant did not refer the Dispute within the contractual time limits stated at W1.3(1) of the Contract.
2. Costs.
3. Such further and other relief that the Court deems fit.

This Originating Summons was filed by KSG Attorneys, Attorneys at law for the Plaintiffs, whose address for service is 3rd Floor, One Capital Place, Shedden Road, George Town, Grand Cayman, PO Box 2255 GT, KY1 1107.

If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to the Defendant as the Court may think just and expedient.

Dated the 26th January 2024.



KSG

Attorneys-at-Law for the Plaintiff

NOTE - This Summons 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 above date unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

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.

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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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 Originating Summons)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

This Originating Summons was filed by KSG Attorneys, Attorneys at law for the Plaintiffs, whose address for service is 3rd Floor, One Capital Place, Shedden Road, George Town, Grand Cayman, PO Box 2255 GT, KY1 1107.

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**ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING 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.

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

2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

yes no

Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

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 principal office.

This Originating Summons was filed by KSG Attorneys, Attorneys at law for the Plaintiffs, whose address for service is 3rd Floor, One Capital Place, Shedden Road, George Town, Grand Cayman, PO Box 2255 GT, KY1 1107.

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

KSG Attorneys at Law
3rd Floor, One Capital Place
Shedden Road
George Town
P.O. Box 2255
Grand Cayman
KY1 - 1107
Cayman Islands

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

This Originating Summons was filed by KSG Attorneys, Attorneys at law for the Plaintiffs, whose address for service is 3rd Floor, One Capital Place, Shedden Road, George Town, Grand Cayman, PO Box 2255 GT, KY1 1107.