



Form 1 (Rule 3-1(1))

Court File No. **VLC-S-S-105066**

No.
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

MARTHA CECILIA JEREZ-SKLADOWSKI

PLAINTIFF

AND:

THU WATSON AKA NGOC THU WATSON

DEFENDANT

NOTICE OF CIVIL CLAIM

This action has been started by the Plaintiff, Martha Cecilia Jerez-Skladowski, for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- (a) file a Response to Civil Claim in Form 2 in the above-named Registry of this Court within the time for response to civil claim described below, and
- (b) serve a copy of the filed Response to Civil Claim on the Plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a Response to Civil Claim in Form 2 and a Counterclaim in Form 3 in the above-named Registry of this Court within the time for response to civil claim described below, and
- (b) serve a copy of the filed Response to Civil Claim and Counterclaim on the Plaintiff and on any new parties named in the Counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the Response to Civil Claim within the time for response to civil claim described below.

Time for response to civil claim

A Response to Civil Claim must be filed and served on the Plaintiff,

- (a) if you reside anywhere in Canada, within 21 days after the date on which a copy of the filed Notice of Civil Claim was served on you,
- (b) if you reside in the United States of America, within 35 days after the date on which a copy of the filed Notice of Civil Claim was served on you,
- (c) if you reside elsewhere, within 49 days after the date on which a copy of the filed Notice of Civil Claim was served on you, or
- (d) if the time for response to civil claim has been set by order of the Court, within that time.

CLAIM OF THE PLAINTIFF

PART 1: STATEMENT OF FACTS

1. On or about October 28, 2008, the Plaintiff loaned to the Defendant the amount of \$50,000.00 ("First Loan").
2. In consideration of the First Loan and in lieu of interest, the Defendant agreed to pay to the Plaintiff the sum of \$6,000.00 (the "\$6,000.00").
3. The Defendant agreed to repay the First Loan along with the \$6,000.00 on April 28, 2009.
4. On or about October 29, 2008, the Plaintiff loaned the Defendant the amount of \$20,000.00 (the "Second Loan").
5. In consideration of the second loan and in lieu of interest, the Defendant agreed to pay to the Plaintiff the sum of \$1,500.00 (the "\$1,500.00").
6. The Defendant agreed to pay the Second Loan along with the \$1,500.00 on November 12, 2009.
7. The parties signed Promissory Notes evidencing terms of the First and Second Loans as set out in the above paragraphs.
8. The Defendant has failed to repay all or any portion of the First or Second Loans and has failed to pay any portion of the \$6,000.00 or the \$1,500.00.

PART 2: RELIEF SOUGHT

1. The Plaintiff seeks judgment against the Defendant in the amount of \$77,500.00.
2. The Plaintiff seeks costs and disbursements against the Defendant.

3. The Plaintiff seeks pre-judgment interest against the Defendant.

PART 3: LEGAL BASIS

1. The Plaintiff relies upon the principles of Contract Law and upon the provisions of the *Court Order Interest Act* and the *Rules of Court*.

Plaintiff's address for service: Douglas W. Lahay
Clark Wilson LLP
800 – 885 West Georgia Street
Vancouver, BC V6C 3H1
(Direct Number: 604.643.3161)

Fax number address for service (if any): 604.687.6314

E-mail address for service (if any): N/A

Place of trial: VANCOUVER, British Columbia

The address of the Registry is: 800 Smithe Street
Vancouver, BC, V6Z 2E1

Date: 05/Jul/2010



Signature of Lawyer for Plaintiff(s)
Lawyer: Douglas W. Lahay

This NOTICE OF CIVIL CLAIM is prepared by Douglas W. Lahay of the firm of **Clark Wilson LLP** whose place of business and address for delivery is 800 – 885 West Georgia Street, Vancouver, British Columbia, V6C 3H1 (Direct #: 604.643.3161, Fax #: 604.687.6314, Email: dwl@cwilson.com) (File #: FileNo).

Rule 7-1(1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
 - (a) prepare a list of documents in Form 22 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - (ii) all other documents to which the party intends to refer at trial, and
 - (b) serve the list on all parties of record.

APPENDIX

[The following information is provided for data collection purposes only and is of no legal effect]

PART 1: CONCISE SUMMARY OF NATURE OF CLAIM:



PART 2: THIS CLAIM ARISES FROM THE FOLLOWING:

[Check one box below for the case type that best describes this case]

A personal injury arising out of:

- a motor vehicle accident
- medical malpractice
- another cause

A dispute concerning:

- contaminated sites
 - construction defects
 - real property (real estate)
 - personal property
 - the provision of goods and services or other general commercial matters
 - investment losses
 - the lending of money
 - an employment relationship
 - a will or other issues concerning the probate of an estate
- a matter not listed here

PART 3: THIS CLAIM INVOLVES:

[Check all boxes below that apply to this case]

- a class action
- maritime law
- aboriginal law
- constitutional law

- conflict of laws
- none of the above
- do not know

PART 4:

[If an enactment is being relied on, specify. Do not list more than 3 enactments]

1. ◆
2. ◆
3. ◆