

Writ of Summons (O.6, r.1)
IN THE GRAND COURT OF THE CAYMAN ISLAND
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

BETWEEN

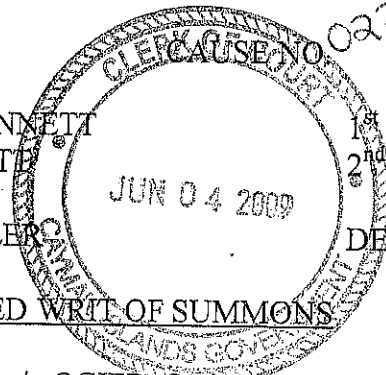
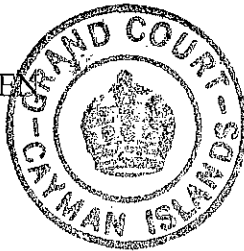
LAURETTA BENNETT
DAVID BENNETT

0276
OF 2009
1st Plaintiff
2nd Plaintiff

AND:

TREVOR WATLER

DEFENDANT



SPECIALLY ENDORSED WRIT OF SUMMONS

TO: THE DEFENDANT: TREVOR WATLER c/o OGIER, Queensgate House, P.O. Box 1234, Grand Cayman, KY1-1108, 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 495G, George Town, Grand Cayman, the accompanying Acknowledgment 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 4 day of June 2009.

NOTE - This Writ may not be served later than 4 calendar months beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

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

STATEMENT OF CLAIM

1. On 12 October 2006, the Plaintiffs were sitting outside Foster's Food Fair eating their lunch. The 1st Plaintiff was seated with her back to the traffic whilst the 2nd Plaintiff was facing her and the direction from which the Defendant's vehicle ultimately traveled.
2. Whilst seated eating their lunch the Defendant so negligently drove his Ford Ranger motor vehicle, registration number 88023, along Dorcy Drive, and off Dorcy Drive. The Defendant lost control and collided with another motor vehicle pushing that motor vehicle into the path and direction of the Plaintiffs. The 2nd Plaintiff heard the noise from the collision and the oncoming motor vehicles and managed to warn and attempted at the same time to lift the 1st Plaintiff out of the path of the oncoming vehicles. The 1st Plaintiff was unable to completely avoid the collision of the motor vehicles and was trapped by the motor vehicles. The Plaintiffs both received personal injuries as a result of this accident.

PARTICULARS OF NEGLIGENCE

- (a) Driving at a speed which was excessive in the circumstances.
- (b) Failing to keep any or any proper lookout or to have any or any sufficient regard for any other traffic.
- (c) Loosing control of his motor vehicle and thus causing or permitting the motor vehicle to loose control and/or failing to take any or any adequate measures to correct the loss of control of the motor vehicle.
- (d) Driving off the road and there colliding with other motor vehicle(s).
- (e) Loosing control and/or running into the rear of the motor vehicle and pushing that vehicle into the Plaintiffs.
- (f) Failing to stop, to slow down, to swerve, or in any other way so to manage or control the motor vehicle so as to avoid the collision.

4. By reason of the matters aforesaid, the Plaintiffs sustained personal injuries and has suffered loss and damage.

PARTICULARS OF INJURIES

The 1st and 2nd Plaintiffs' dates of birth are 19 April 1973 and 6 May 1971 respectively. Following the accident on 12 October 2006, the 1st and 2nd Plaintiffs suffered injuries and will rely on the medical reports of Dr. Yin dated 15 May 2007, Dr. Ambekar dated 17 April 2007 and Dr. Lockhart for the 1st Plaintiff which is undated and Dr. Lockhart for the 2nd Plaintiff dated 1 October 2007.

PARTICULARS OF SPECIAL DAMAGE

1. Cash Receipt from Chrissie Tomlinson -\$500.00 paid on 18 July 2007.

2. Receipts from Wellness Centre - \$75.00, \$75.00 & \$100.00 paid on 15th, 12th & 8th October 2007 respectively.
3. CI Health Services Authority – Statement #1580431 dated 9 April 2008 - \$828.00 owed.
4. CI Health Services Authority – Statement #1580432 dated 9 April 2008 - \$80.00 owed.
5. CI Health Services Authority Bill – Statement #1580433 dated 9 April 2008 - \$35.00 owed.
6. Cash Receipt from Chrissie Tomlinson- \$300.00 paid on 19 August 2008.

Medical expenses
Loss of Income

CI\$(to be further particularised)
CI\$(to be further particularised)

AND the Plaintiff claims

- (i) Damages
- (ii) Further, pursuant to The Judicature Law (1995 Revision), the Defendant is entitled to and claims interest on such sums as are found to be due at such rate and for such period as the Court shall think fit.
- (iii) Costs



Clyde H. Allen, Chambers

THIS WRIT was issued by Clyde H. Allen, Chambers on behalf of the Plaintiff whose address for service is P.O. Box 31076 SMB, 2nd Floor, Suite 10, Jack & Jill Building, 19 Fort Street, KYI-1205, George Town, Grand Cayman, Cayman Islands.

IN THE GRAND COURT OF THE CAYMAN ISLAND
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. OF 2009

BETWEEN LAURETTA BENNETT
DAVID BENNETT

AND: TREVOR WATLER

PLAINTIFFS
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 a 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

Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

Address for service: (please see overleaf)

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.

Clyde Allen
Clyde H. Allen, Chambers,
Attorneys-At-Law
PO Box 31076SMB
Jack & Jill Bldg, KY1-1205
Grand Cayman
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.

[Empty box for defendant's attorney indorsement]