

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN: ROSE SAUNDERS
(now known as ROSE BROTHERTON)

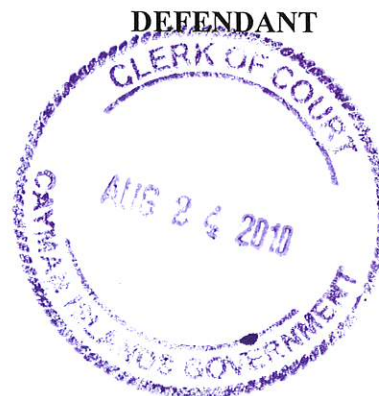
PLAINTIFF



AND: SHANE ALEXANDER McCOON

DEFENDANT

WRIT OF SUMMONS



TO: SHANE ALEXANDER McCOON
83 Hinds Way
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 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, George Town, Grand Cayman KY1-1106, 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 judgement may be entered against you forthwith without further notice.

ISSUED this 24 day of August 2010

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. At all material times, the Defendant was the registered owner and driver of a silver Toyota Altezza motorcar, registration number 114169 (“the motorcar”).
2. At all material times, the Plaintiff was the registered owner and rider of a Vespa Grand Turismo motorbike, registration number 125035 (“the motorbike”).
3. On Monday 10th September 2007 at approximately 5.10 p.m. the Plaintiff was riding the motorbike south on South Church Street, near the vicinity of the Craft Market, George Town.
4. The Plaintiff was proceeding correctly along South Church Street, in the left hand lane proceeding south, towards South Sound. Upon reaching the junction with Boilers Road, the Plaintiff noticed the motorcar in the mouth of the junction.
5. Suddenly, without any indication or warning, the Defendant pulled out from the junction, maneuvering the motorcar into the left hand lane and into the oncoming southbound lane traffic, colliding into the Plaintiff’s correctly proceeding motorbike (“the Collision”). As a result of the Collision the Plaintiff was thrown to the ground and injured.
6. The Collision was caused solely by the Defendant’s dangerous, alternatively reckless, alternatively negligent driving, management and control of the motorcar.

PARTICULARS OF NEGLIGENCE

The Defendant drove dangerously, alternatively was reckless, or alternatively was negligent in that he:

- a) Drove directly into the direction and path of the Plaintiff knowing her to be there, or alternatively not hearing or seeing whether she was there or not;
 - b) Failed to exercise due care and attention when using the road and to have due regard to the safety and comfort of other road users and the preservation of property, private and public;
 - c) Failed to exercise all necessary caution in order to avoid the Collision;
 - d) Failed to keep any or any proper look out;
 - e) Failed to see the Plaintiff in time, or at all, to avoid the Collision;
 - f) Failed to warn the Plaintiff of his intentions, thereby giving the Plaintiff no opportunity to avoid the Collision;
 - g) Failed to comply with the signs and signals on the road;
 - h) Failed to stop, swerve or otherwise maneuver the motorcar in time to avoid the Collision;
 - i) In all the circumstances, drove without due care and attention for other road users, more particularly the Plaintiff.
 - j) Failed to exercise the reasonable skill and care to be expected of a reasonably skilful and careful driver in all the circumstances.
7. On 26th November 2007 the Defendant was convicted of the offence of careless driving and was fined CI\$350.00 or 30 days imprisonment and his driver's license was endorsed. The Plaintiff will rely upon the evidence of the conviction in relation to the issue of negligence.
8. By reason of these matters and as a result of the Collision, the Plaintiff, who was born on 16th July 1957, suffered personal injuries, expense, loss and damage.

PARTICULARS OF PERSONAL INJURIES

9. The Plaintiff suffered the following severe multiple injuries, including:
- i) Crack fracture of the right sacrum, fracture of the right sacral ala;
 - ii) Injury to the left knee together with a patella femoral contusion and scarring;
 - iii) Soft tissue injuries and contusions to the anterior and lateral chest wall;
 - iv) Injury to the lower back and sprain to the lumbar spine;
 - v) Sprain of the right wrist;
 - vi) Right knee injuries and exacerbation of symptoms in the right knee;
 - vii) Soft tissue injury to the left shoulder;
 - viii) Soft tissue injury to the left hip; and
 - ix) Multiple abrasions and bruising and scarring.

The Plaintiff's mobility is limited due to the injuries sustained and assistance is required. Her earning capacity is restricted and she is handicapped on the open labour market. The prognosis is guarded and the Plaintiff will be obtaining medical reports in respect of her injuries.

PARTICULARS OF SPECIAL DAMAGE

10. The Plaintiff has incurred, and continues to incur, medical expenses, loss of income and legal costs as a result of the accident. The Plaintiff faces substantial future medical expenses which are being assessed. The Plaintiff requires care

and assistance and this need is on-going. Full particulars of the Plaintiff's damages and losses, which are continuing, will be provided prior to trial by means of a separate schedule.

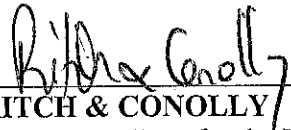
AND THE PLAINTIFF CLAIMS:-

1. Special damages;
2. General damages;
3. Pre- and post-judgment interest in accordance with section 34 of the Judicature Law (2004 Revision);
4. Interest on General Damages at the rate of 2% per annum from the date of issue of this Writ;
5. Such further and applicable other relief as this Honourable Court deems necessary; and
6. Costs.

STATEMENT REGARDING INSURER

11. The Plaintiff's claim arises out of the use of a motor vehicle on a public road. The Defendant was insured with British Caymanian Insurance Co. Ltd. of PO Box 74, Britcay House, 236 Eastern Avenue, George Town, Grand Cayman KY1-1102.

DATED this 24 day of August 2010



RITCH & CONOLLY
Attorneys at Law for the Plaintiff

TO: The Clerk of the Court

AND TO: The Defendant of 83 Hinds Way, Walkers Road, George Town, Grand Cayman, Cayman Islands

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN: ROSE SAUNDERS (now known as ROSE BROTHERTON) PLAINTIFF

AND: SHANE ALEXANDER McCOON 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)
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)

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.

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

Ritch & Conolly
PO Box 1994
Queensgate House
113 South Church Street
Grand Cayman KY1-1104

MSB/12174/Brotherton, Rose

Endorsement 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 endorsement]

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 495, Grand Cayman KY1-1106.

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 endorsed 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 Acknowledgment 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.