

IN THE GRAND COURT OF THE CAYMAN ISLANDS

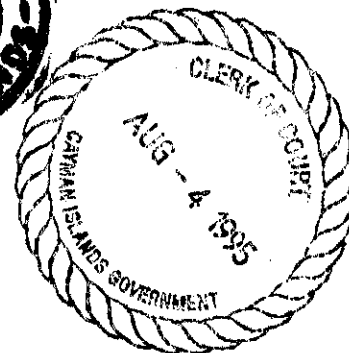
CAUSE NO. 331 OF 1995

BETWEEN: GLEN IRA DAYKIN Plaintiff
AND: (1) ASTLEY CARRIDICE
(2) RAY McLAUGHLIN Defendants

WRIT OF SUMMONS

TO: Astley Carridice
Ray McLaughlin c/o KFC, George Town
GRAND CAYMAN

AND TO: Britam Insurance Brokers & Agents (Cayman) Ltd
British American Centre



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 Fourteen days [14] 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.

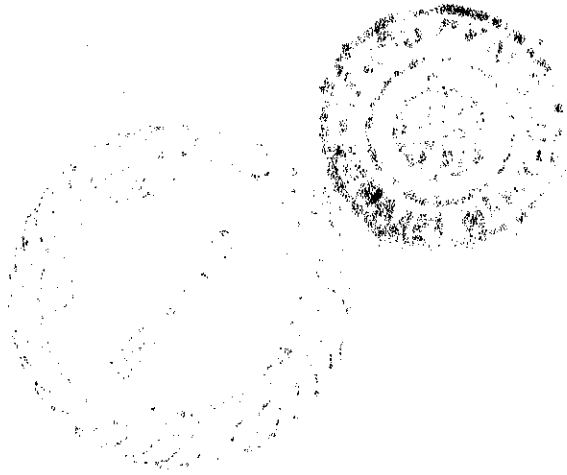
If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 4th day of August, 1995.

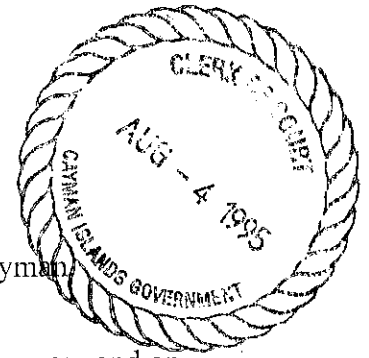
NOTE - This Writ may not be served later than 4 calendar month beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

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



STATEMENT OF CLAIM



1. The Plaintiff is and was, at all relevant times, a resident of Grand Cayman.
2. The First Defendant was, at the relevant time, a resident of Grand Cayman, and an employee of the Second Defendant.

3. The Second Defendant is a resident of Grand Cayman, and was at the relevant time, the employer of the First Defendant. The Second Defendant is also the registered owner of the Dodge Truck, registration no. 37 865, insured with Britam Insurance Brokers (Cayman) Ltd.



4. On the 4th August, 1992, the Plaintiff was a passenger in a motor vehicle driven by Mr. Willard Hurlstone. At approximately 8:55 a.m. on Crew Road in George Town, Grand Cayman, the motor vehicle in which the Plaintiff was a passenger, collided with a Dodge Truck, registration no. 37 865 driven by the First Defendant, as servant and agent of the Second Defendant. The said motor vehicle is registered in the name of the Second Defendant and insured with Britam Insurance Brokers (Cayman) Ltd. The First Defendant had overtaken a parked vehicle and had ventured into the pathway of the motor vehicle in which the Plaintiff was a passenger.
4. That the said collision was caused by the negligence and breach of duty of care of the First Defendant, as servant and agent of the Second Defendant, in and about the driving, management and control of the said motor vehicle..

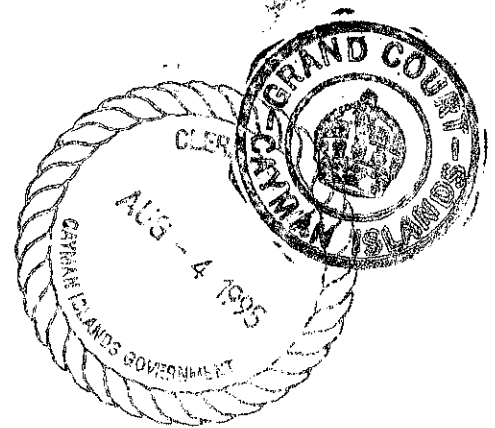
PARTICULARS

- a. The First Defendant failed, at the relevant time, to keep to the left half of the road.
- b. The First Defendant failed to have any, or any proper, regard for the other road users in general and for the vehicle in which the Plaintiff was a passenger in particular.

- c. The First Defendant failed to keep any, or any proper, look out and/or to observe and/or heed the presence of other road users in general when he knew or ought to have known that vehicles would be or were coming from the opposite direction.
 - d. The First Defendant drove at an excessive speed in all the circumstances of the case. The Plaintiff will further rely upon the maxim "res ipsa loquitor"
5. By reason of the First Defendant's negligence and breach of duty of care, as servant and agent of the Second Defendant, the Plaintiff has suffered severe personal injuries and, consequently, loss and damage for which the First and Second Defendants are jointly and severally responsible.

PARTICULARS OF INJURIES

- a. Abrasion on the bridge of the nose.
- b. Abrasion on the right side of the forehead.
- c. Tenderness and swelling over D 10 and 11 spines.
- d. Contusion of the back.



The Plaintiff was treated with painkillers and physiotherapy was recommended. The Plaintiff was later diagnosed by a specialist with thoracolumbar and lumbar sprain secondary to the motor vehicle accident.

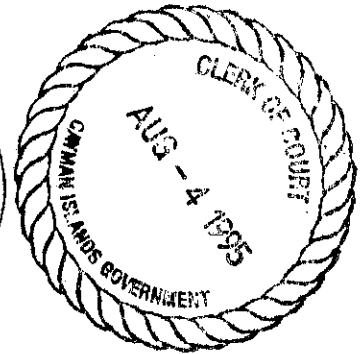
The Plaintiff may have to have further investigations or treatment if any evidence of nerve root irritation arises. The Plaintiff has in fact suffered from such nerve root irritation and the pain in his back has been aggravated by coughing or sneezing. The Plaintiff still suffers pain in his back at certain times and occasions.

PARTICULARS OF SPECIAL DAMAGES

Medical expenses and expenses incidental thereto CI\$1,760.10

AND THE PLAINTIFF CLAIMS from the Defendants:-

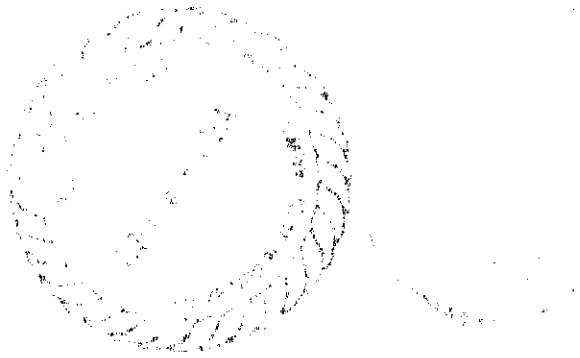
1. Damages.
2. Interest pursuant to the Judgment Debts (Rate of Interest) Rules 1995 at the rate of 8 3/8% on the amount found to be due to the Plaintiff..
3. Such further and other relief.
4. Costs to be assessed or taxed.



DATED this 4th day of August, 1995

Paget-Brown, Quin & Hampson
PAGET-BROWN, QUIN & HAMPSON
Attorneys-at-Law for the Plaintiff

This Writ was issued by Messrs. Paget-Brown, Quin & Hampson, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is that of its said Attorneys-at-Law, Harbour Centre, Third Floor, P.O. Box 1348, George Town, Grand Cayman, B.W.I.



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.

Messrs. Paget-Brown, Quin & Hampson
Attorneys-at-Law
Harbour Centre, Third Floor
P.O. Box 1348
George Town,
GRAND CAYMAN

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

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 495G, George Town, 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 installments 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 authroised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on his 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.