

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. *G0238* OF 2011

BETWEEN: Violet Reid

Plaintiff

AND : Kirk Supermarket Ltd
(Kirk Supermarket & Pharmacy)

Defendant



WRIT OF SUMMONS



To: Kirk Supermarket Ltd
("Kirksupermarket & Pharmacy")
Eastern Ave, George Town
Grand Cayman

THIS WRIT OF SUMMONS has been issued against you by the above named Plaintiffs in respect of the claim set out on the next page.

Within 14days after service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Courts Office, P.O.Box 495,G.T. Grand Cayman the accompanying Acknowledgment of Service form stating therein whether you intend to contest the proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you fail to 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 at George Town this 24th day of JUNE, 2011

NOTE: This Writ may not be served later than four(4) calendar months (or,if leave is required to effect service out of the jurisdiction, six (6) 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.

PARTICULARS OF INJURIES

- 8. The plaintiff, after the accident suffered pain and minimal tenderness in the lateral articular facet of the patella:
- 9. She had a mild anterolateral joint line tenderness.
- 10. She a grade 3 tear of the posterior horn of the lateral meniscus.
- 11. She suffered a grade 2 tear of the posterior horn of the medial meniscus
- 12. She suffered a 4% whole person impairment.

The plaintiff will rely upon the medical evidence to detail the full extent of her injuries.

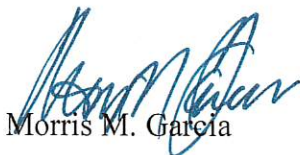
PARTICULARS OF SPECIAL DAMAGES

- a.. Medical expenses.....to be detailed but ongoing
 - b. The plaintiff reserves the right to produce full details of any other and all special damages at the trial of this action.....To be detailed but ongoing
-
- 13. The plaintiff also claims from the defendant damages for pain, suffering and loss of amenities resulting from the injuries which she sustained in the accident as well as psychological damages.
 - 14. The plaintiff also claims future medical expenses from the defendant.

AND THE PLAINTIFF CLAIMS FROM THE DEFENDANT:-

- a) General, Special and Provisional Damages
- b) Pre- and Post-Judgment interest according to statute and/or law at he rate of 5% per annum.
- c) Costs
- d) Further and/or other relief

Dated this 24th day of June, 2011.


Morris M. Garcia

To: The Clerk of the Courts
And To: The defendant, Kirk Supermarket Ltd

Service of the Writ 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 or principal office.

Indorsement by Plaintiff's attorney (or by Plaintiff if acting in person) of his name, address and reference, if any, in the space below:

Morris M. Garcia, Suite #2,
Nevlaw Building,GT
Grand Cayman, Cayman Islands

Indorsement by Defendant's attorney (or Defendant if acting in person) of his name, address and reference, if any in the space 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 495, George Town, Grand Cayman.

2. A defendant who states in his Acknowledgement of Service that he intends to contest the proceedings must also serve a defence on the attorney for the plaintiff (or on the plaintiff acting in person).

If a Statement of Claim is endorsed on the Writ (ie. 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 a Statement of Claim is not endorsed 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 affidavit of his means. The affidavit should state any offer which the defendant desires to make for the 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 a 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.