

IN THE GRAND COURT OF THE CAYMAN ISLANDS

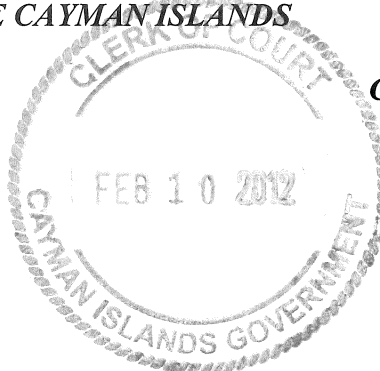
CAUSE NO. 58 OF 2012

BETWEEN NOEL JACKSON

PLAINTIFF

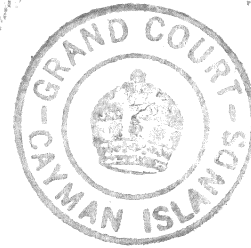
AND JANET MCKENZIE

DEFENDANT



WRIT OF SUMMONS

**TO: JANET MCKENZIE
40 POINDEXTER ROAD
GEORGE TOWN
GRAND CAYMAN**



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, P.O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgement of Service, stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or 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 day of 2012

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.

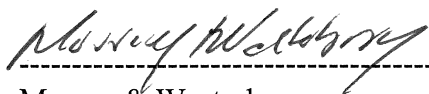
ENDORSEMENT

The Plaintiff claims against the Defendants to recover damages for personal injuries in that on or about the 23RD day of February 2012 the Defendant so negligently drove and operated her Hyundai motor vehicle along the North Sound Road in the vicinity of the entrance to the Reliable Industries Building in George Town, Grand Cayman that she caused the same to violently collide with the Plaintiff's Dodge Nitro motor vehicle bearing registration PORSH, along the said road and thereby occasioned loss and injury to the Plaintiff.

AND THE PLAINTIFF CLAIMS:

1. Damages;
2. Interest pursuant to the Judicature Law;
3. Costs.

Dated this 26th day of January 2012.



Murray & Westerborg
Plaintiff's Attorneys-at-Law

*BETWEEN NOEL JACKSON
AND JANET McKENZIE*

*PLAINTIFF
DEFENDANT*

STATEMENT OF CLAIM

1. The Plaintiff, a resident of Prospect, Grand Cayman, is employed as an Accountant and General Manager of Universal Air Conditioning and was at all material times the owner and driver of Dodge Nitra motor vehicle licensed PORSH.
2. The Defendant was at all material times the driver of Hyundai motor vehicle, being operated as a taxicab.
3. On or about the 23rd day of February 2012 the Plaintiff was the driver of his aforesaid vehicle being driven in a southerly direction along North Sound Road, George Town, Grand Cayman when on reaching the vicinity of the entrance to the Reliable Industries Building along the said road he stopped his said vehicle indicating his intention to make a right turn into the said entrance, when the Defendant so negligently drove, managed and controlled the said Hyundai motor vehicle by exiting onto the said road at a time when it was unsafe so to do and thereby caused or permitted the same to violently collide with the motor vehicle being driven by the Plaintiff.
4. That the cause of the said accident was the negligent driving of the Defendant.

Particulars of Negligence

- (a) Failing to keep any or any proper look-out or to have any or any sufficient regard for other traffic on the said road;
 - (b) Failing to have or to keep any or any proper control of the said motor-vehicle;
 - (c) Colliding into the rear quarter panel of the vehicle being driven by the Plaintiff;
 - (d) Failing to stop, to slow down, to swerve or in any other way so to manage or control the said motorcar as to avoid the said collision.
 - (e) Colliding into a stationary vehicle.
5. The Defendant admitted that she was at fault and was the cause of the accident on the scene and further, her insurers settled the damage caused to the said Plaintiff's vehicle and the said settlement is relevant to the issue of negligence and liability and the Plaintiff intends to rely thereon as evidence in this action.

6. By reason of the matters aforesaid, the Plaintiff sustained severe injuries and has suffered loss and damage.

Particulars of Injuries

- (a) Severe whiplash injury;
- (b) Multiple bruises affecting the cervical spine, thoracic spine, the lumbar-sacral spine and the coccyx.
- (c) The Plaintiff is now prone to developing conditions that will affect his cervical and lumbar region.
- (d) The Plaintiff is at risk of suffering osteoarthritic changes in his neck as a result of the accident.

Particulars of Special Damages

i)	Medical Costs	CI\$ 4,851.27
(ii)	Loss of Income	CI\$13,860.00
(iii)	Cost of Medical Reports	<u>CI\$ 1,040.00</u>
		CI\$19,751.27

Statement as to Interest

- (i) The prescribed rate of interest from the 12th December 2011 to the date of filing is 3% per annum;
- (ii) The accrued interest to date of filing is CI\$71.10
- (iii) The per diem interest as of the 12th December 2011 is CI\$1.58c
- (iv) The Plaintiff foregoes all interest prior to 12th December 2011


Schedule of Interest Calculated

$$\begin{aligned} & \text{CI\$}19,751.27 \times 3\% / 45 \times / 365 \\ & (\text{CI\$}19,751.27 \times .030 \times 0.12) \qquad \qquad \qquad = \text{CI\$}4,244.27 \end{aligned}$$

AND THE PLAINTIFF CLAIMS:

- 1. Damages
- 2. Accrued Interest to date of filing of CI\$71.10
- 3. The Principal sum of CI\$77,309.22;
- 4. Interest thereafter at the relevant Statutory rate(s) since 27th January 2012 pursuant to the Judicature Law;
- 5. Costs.

Dated the 27th day of June 2012



Murray & Westerborg
Plaintiff's Attorneys-at-Law

Acknowledgment of service of writ of summons (O.12, r.3)

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 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2012

BETWEEN NOEL JACKSON

PLAINTIFF

AND JANET MCKENZIE

DEFENDANT

**ACKNOWLEDGEMENT 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 judgement being entered against a Defendant whereby he May have to pay the costs of applying to set it aside.

1. State the name of the Defendant by whom or on whose behalf the service of this Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick the appropriate box)

yes

no

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 judgement entered by the Plaintiff (tick box).

yes

Service of the Writ is acknowledged accordingly

(Signed).....
[Attorney] for
[Defendant in person]
Address for service:

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 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 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:

MURRAY & WESTERBORG
Attorneys-at-Law
Second Floor (South West Wing)
Cayman Shipping Centre Building
10 Shipping Lane
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:

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ⁵⁸ OF 2012

BETWEEN NOEL JACKSON

PLAINTIFF

AND JANET McKENZIE

DEFENDANT

**TO: BRITISH CAYMANIAN INSURANCE COMPANY
P.O. BOX 74, GRAND CAYMAN KY1-1102, CAYMAN ISLANDS
BRITCAY HOUSE, EASTERN AVENUE, GEORGE TOWN, GRAND
CAYMAN**

**NOTICE OF PROCEEDINGS PURSUANT TO
THE MOTOR VEHICLE (THIRD PARTY RISKS) LAW**

TAKE NOTICE that an action has been filed in the Grand Court of the Cayman Islands on behalf of the Plaintiff, arising out of a motor-vehicle accident on or about the 23rd day of February 2012 against the Defendant, Janet McKenzie, whom I am informed was at the material time insured by yourselves pursuant to the Motor Vehicle (Third Party Risks) Law and by virtue of this Notice is hereby served on you.

Dated this day of 2012

Filed at February

[Signature]
Clerk of the Courts



THIS NOTICE OF PROCEEDINGS was filed by Murray & Westerborg, Attorneys-at-Law, for and on behalf of the Plaintiff, whose address for service is that of his said Attorneys-at-Law, Second Floor Cayman Shipping Centre Building (South West Wing) 10 Shipping Lane, George Town, Grand Cayman.