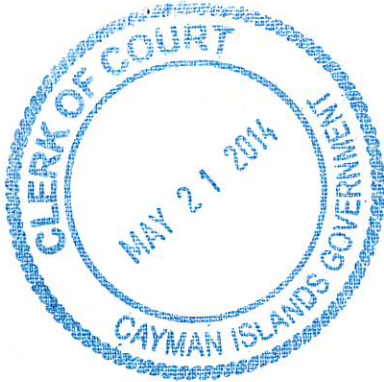


IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN

CAUSE NO: 52 of 2014



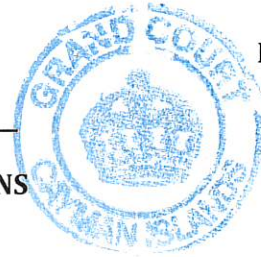
SARAH PARCHMENT

Plaintiff

And

MARK RAE SMITH

Defendant



AMENDED WRIT OF SUMMONS

TO
MARK RAE SMITH
George Town
Grand Cayman

AND TO: Saxon Centre
14 Saxon Close
PO BOX 1094
George Town
Grand Cayman
KY1-1102

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 495, George Town, Grand Cayman, the accompanying *Acknowledgment of Service* form stating therein whether you intend to contest this action. If you intend to defend the action, in whole or in part, you must set out full particulars of your defence in the space provided in the *Acknowledgment of Service* form.

IF YOU FAIL to satisfy the claim or fail to return the *Acknowledgment of Service* form containing full particulars of your defence, the Plaintiff may apply for a default Judgment without any further notice to you.

Issued this 9th Day of April 2014 (Amended this 20th Day of May 2014)

NOTE – This Writ may be served later than 4 calendar months (or if leave is required to effect service outside of the jurisdiction, 6 months) beginning with the date of issue unless renewed by Order of the Court.

IMPORTANT

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

This Amended Writ of Summons was filed by H. Phillip Ebanks, Attorney at Law, for the Plaintiff, whose address for service is 62 Hospital Road Plaza, PO Box 30433, Grand Cayman KY1-1202

IN GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: *G0052* OF 2014

BETWEEN

SARAH PARCHMENT

Plaintiff

AND

MARK RAE SMITH

Defendant

STATEMENT OF CLAIM

1. At all material times:
 - 1.1 The Plaintiff was the driver of a Mitsubishi SUV motor vehicle Registration Number 81405.
 - 1.2 The Defendant was the driver of a Toyota Tundra motor vehicle Registration Number 98058.
2. On 15 February 2013 the Plaintiff was driving her motor vehicle on along Marina Drive when the Defendants motor vehicle, travelling in the same lane and direction of travel, drove into the rear of the Plaintiff's motor vehicle. As a result of the collision the Plaintiff sustained injury, loss, damage, pain and suffering and considerable inconvenience.
3. The accident was caused by the Defendant's negligence.
4. At the scene of the accident the Defendant admitted liability.
5. The Defendant was negligent in that he:

PARTICULARS OF NEGLIGENCE

- i. drove too fast in all the circumstances;
 - ii. failed to see the Plaintiff's motor vehicle in sufficient time to avoid colliding with or at all;
 - iii. Failed to stop, slow down, swerve, or steer in any other way so to control his said vehicle so as to avoid the said collision.
 - iv. Drove into the rear of the Plaintiff's vehicle when to do so was a breach of the Highway Code and the basic standards of driving;
 - v. Drove in such a way as to place other road users in danger, in particular the Plaintiff;
 - vi. Drove without any, or any proper, consideration for the rules of the road, in particular by failing to leave enough room between his and the Plaintiff's vehicle, inter alia, contrary to the provisions of the Highway Code;
 - vii. In the premises, drove without due care and attention and due consideration for other road users, in particular the Plaintiff.
6. By reason of the aforesaid matters the Plaintiff (born on the 8 July 1971), sustained injuries and suffered distress, discomfort, inconvenience, loss, pain and suffering and damage.

PARTICULARS OF INJURY

- i. pro-lapsed disc and compression of the right sciatic nerve;

- ii. mechanical back pain with associated joint facet inflammation;
- iii. tenderness over the lumbar spine;
- iv. cervical spine facet joint inflammation;
- v. muscle wasting right calf;
- vi. migraine attacks;
- vii. disturbed sleep pattern;
- viii. parestheisa and numbness along right side

Further particulars of the Plaintiff's injuries are set out in the medical report of Dr. James Akinwunmi dated 19th June 2013 is annexed hereto.

PARTICULARS OF SPECIAL DAMAGE

i. Physiotherapy costs	KYD 2205.00
ii. Loss of wages	KYD 22,000.00
iii. Employment of replacement teacher	KYD 5,935.60
iv. Pain killers and medication	KYD 2,000
v. Travelling expenses	KYD 450.00
vi. Housekeeper employment	KYD 4625.00
vii. Preparation of Medical Report	KYD 2400.00
viii. Radiology costs	KYD 960.00
ix. Airline Tickets for Rose Radiology	KYD 756.92
x. Rental car Rose Radiology	KYD 153.60
xi. Work Permit Fee	KYD 170.00
xii. Miscellaneous Expenses	KYD 1000.00
TOTAL	KYD 42,656.12
xiii. Estimated costs of surgery	KYD 18,000.00

The Plaintiff also claims interest on the said sum owing at the rate of 2 3/8% per annum.

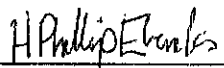
STATEMENT REGARDING INTEREST

7. a) The Plaintiff seeks pre and post judgment interest from the date of issue of this Writ of Summons in accordance with the provisions of the Judicature Law (2007 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.
- b) The interest rate claimed as per the Judgment Debt (Rates of Interest) Rules at 2 3/8% per annum.
- c) Interest is claimed from the date of issue of this Writ.
- d) Interest accrues at KYD3.95 per day from the date of issue of this Writ.

AND THE PLAINTIFF CLAIMS:

- (i) Damages
- (ii) Pre and post judgment Interest on the sum claimed in accordance with the Judicature Law (2007 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.
- (iii) Costs plus filing fees and bailiffs fee for service

Dated this 9th day of April 2014



H Phillip Ebanks,
Attorneys at Law for the Plaintiff

DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS

1. The accompanying form of Acknowledgement of Service should be completed by an Attorney on behalf of the Defendant or by Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, PO 495G, 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 defense on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

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 defense 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 Acknowledgement, 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 overleaf for notes for guidance

Please complete overleaf

Notes of Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement 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 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 form 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 authorized to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney 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. The Defendant acting in person may obtain help in completing the form at the Court Office.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO 52 OF 2014

BETWEEN SARAH PARCHMENT PLAINTIFF

AND MARK RAE SMITH DEFENDANT

ACKNOWLEDGEMENT OF SERVICE OF AMENDED 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 for. 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 costs of applying to set it aside.

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

2. State whether the Defendant intends to contest the proceedings.

_____ **Yes**

_____ **No**

3. If the claim against the Defendant is for a debt or liquidation 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.

_____ **Yes**

_____ **No**

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.

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

H. Phillip Ebanks
Attorney-at-Law
62 Hospital Plaza, George Town, PO
Box 30422, Grand Cayman, KY1-1202,
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.

