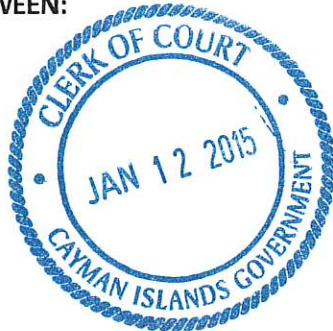


IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: GC 0003 OF 2015

BETWEEN:



TONIA HEMMINGS WHITE

PLAINTIFF

AND:

DERVAN ANDERSON



DEFENDANT

WRIT OF SUMMONS

TO:

Dervan Anderson
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 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 day of January 2015.

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 Acknowledgment of Service are given with the accompanying form.

And as a Noticed Party to:
Cayman First Insurance Company Limited
3rd Floor, Harbour Place
103 South Church Street
P.O. Box 2171
Grand Cayman KY1-1105

STATEMENT OF CLAIM

1. On the 19th May 2012 the Plaintiff was driving a Honda CRV registration 127082 on Smith Road, George Town in the direction of Crewe Road.
2. The defendant was driving a Suzuki Alto registration 96334 and as the plaintiff proceeded along Smith Road in the correct lane, the defendant emerged from a yard onto the main road and into the path of the plaintiff.
3. As a result of the defendants actions a collision occurred between the vehicles and the plaintiff's vehicle crashed into a fence on the far side of the road.
4. At all material times the Defendant was insured to drive the motor vehicle registration number 96334 with Cayman First Insurance who had issued a policy of insurance relating to the vehicle in accordance with the Motor Insurance (Third Party Risks Law).
3. The accident was caused by the negligence of the Defendant.

Particulars of negligence

The Defendant was negligent in that he:

- (a) drove too fast in all of the circumstances;
 - (b) failed to keep any or any proper look out;
 - (c) failed to see the Plaintiff in time or at all;
 - (d) emerged onto a main road from a private entrance without due care and attention and whilst it was dangerous to do so;
 - (e) failed to apply his brakes in time or at all;
 - (f) colliding with the plaintiff's vehicle.
 - (g) failed to take any or any adequate care for the safety of the Plaintiff.
4. As a result the Plaintiff who is now aged 33 years, having been born on 18th November 1981 suffered pain, injury, loss and damage.

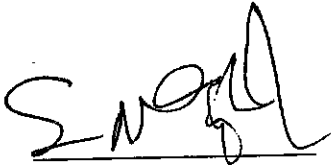
Particulars of general damage

5. The plaintiff's vehicle was struck to the front left side and the plaintiff took emergency evasive action and as a result her vehicle also struck a fence with force to the right hand side of the road.
6. The plaintiff was taken to George Town hospital and was given anti-inflammatory medication and released from hospital after review.
7. The plaintiff sustained soft tissue injuries to her neck, back, shoulders with symptoms radiating to her left arm.
8. The plaintiff continued to suffer the effects of the accident and received physiotherapy treatment for ongoing neck, low back and referred arm pain in late 2013. By July 2014 the symptoms were reduced to occasions radiating symptoms in her left arm and occasional back pain when undertaking strenuous tasks.

9. The plaintiff has lost earnings and incurred medical expenses to date as set out in the Schedule of Damages and will claim for future loss to be particularized in due course.
10. The plaintiff will claim interest pursuant to section 34 of the Judicature Law (2013 Revision);

AND THE PLAINTIFF claims:

1. General and Special Damages
2. Interest in accordance with the Judicature Law (2013 Revision)
3. Costs



Samson & McGrath
Attorneys for the Plaintiff

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SCHEDULE OF LOSS

1. Loss of Earning to date

The plaintiff's employer offers a bonus of ½ salary for all unused sick days. As a result of the accident the plaintiff took 6 days off work. As a result she lost 3 days' pay or \$621.07.

2. Past Care and Assistance

After the accident the plaintiff relied upon the care of her husband to assist with daily tasks, care and assistance.

The plaintiff's husband cared and assisted for the plaintiff 2 hours per day for 2 weeks post-accident and for 1 hour per day for a further 2 weeks post-accident. At a claimed rate of \$14 per hour the plaintiff claims for \$588.

3. Medical Expenses to date

The plaintiff incurred the following medical expenses:

3.1	Pharmacy	CI\$58.60
3.2	Cayman 3T March 2014	\$484.11
3.3	Cayman Islands Physiotherapy	\$525
3.4	Cayman Islands Physiotherapy	<u>\$23.01</u>
Total		\$1,090.72

4. Future Medical Expenses

The plaintiff has been advised to undergo a course of water therapy class to finally resolve her medical issues. The cost of this is \$100 per class for 6 classes and the plaintiff claims \$600 for this.

**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.

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AND:

DERVAN ANDERSON

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)
 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 judgment entered by the Plaintiff (tick box)
 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.

Samson & McGrath
Attorneys at Law
5th Floor Genesis Building
Genesis Close
PO Box 446
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.