

IN THE GRAND COURT OF THE CAYMAN ISLANDS

90098
CAUSE NO. OF 2015
LACV0208/2013

BETWEEN:

JOHN N. WEBSTER

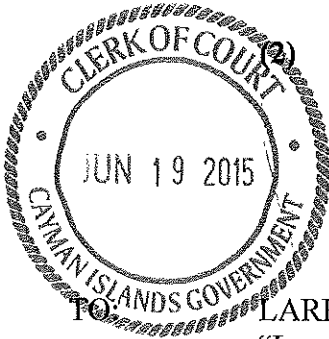
Plaintiff

-AND-

(1) LARRY SMITH t/a "Larry's Construction Co Ltd."

ALFREDO POWERY t/a "A and A Heavy Equipment"

Defendants



WRIT OF SUMMONS

LARRY SMITH t/a
"Larry's Construction Co Ltd"
77 Rosetta Close, Mount Pleasant,
West Bay, Grand Cayman

AND TO: ALFREDO POWERY t/a
"A and A Heavy Equipment"
66 Boltins Avenue, West Bay
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 Acknowledgement of Service stating 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 judgment may be entered against you forthwith without further notice.

Issued this day of 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 Acknowledgement of Service are given with the accompanying form.

GENERAL INDORSEMENT

The Plaintiff in this action is John N. Webster. The First Defendant is Larry Smith who at the material time was trading as Larry's Construction Co Ltd. The Second Defendant is Alfredo Powery who at the material time was trading as A and A Heavy Equipment.

On the 26th of September 2012, the Plaintiff was employed by the First Defendant as a general laborer at a construction site in Lighthouse Gardens, West Bay, Grand Cayman. The Second Defendant was the owner of a front wheel loader working on the site. The front end loader was driven by an employee of the Second Defendant.

While the Plaintiff assisted with the pouring of concrete into the belting of a house he was injured when the front wheel loader crashed into the building. The force of the collision caused the Plaintiff to fall from the building and he suffered injury, pain and suffering and loss.

The Plaintiff's claim arises from the Defendants' negligence and/or breach of statutory duty and/or vicarious liability and/or occupier's liability as a result of which the Plaintiff has suffered personal injury, loss and damage.

The Plaintiff's claim is for damages in negligence and/or breach of statutory duty, costs and interest thereon pursuant to the Judicature Law (2013 Revision).

Dated this 19th day of June 2015

BROADHURST

Broadhurst LLC
Attorneys-At-Law for the Plaintiff

This Writ of Summons was issued by Broadhurst LLC, Attorneys-At-Laws for the Plaintiff, whose address for service is 40 Linwood Street, P.O. Box 2503 GT, Grand Cayman, Cayman Islands, B.W.I

BETWEEN:

JOHN N. WEBSTER

Plaintiff

-AND-

(1) LARRY SMITH t/a "Larry's Construction Co Ltd."

(2) ALFREDO POWERY t/a "A and A Heavy Equipment"

Defendants

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 proceeding (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 proceeding, 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 the Defendant
Defendant in person
(delete as appropriate)

Defendant's 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 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.

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

BROADHURST LLC.
ATTORNEYS-AT-LAW
40 LINWOOD STREET,
GEORGE TOWN,
PO BOX 2503
CAYMAN ISLANDS, KY1-1104

Endorsement 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.

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, he must complete the form 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 acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, an Attorney acting for a guardian *ad litem* must complete the form.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.