

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION

CAUSE NO. <sup>215</sup> OF 2015

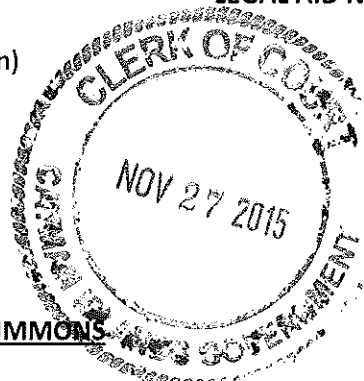
LEGAL AID NO. 0090/2015

In the Matter of Section 39 Limitation Law (1996 Revision)

AND in the Matter of GCR 0.32 rule 9A

BETWEEN: CAROL ANGELLA BENNETT

AND: HENRY MICHAEL DIAZ



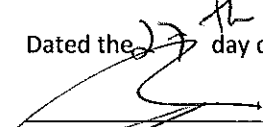
ORIGINATING SUMMONS

LET THE DEFENDANT of George Town, Grand Cayman, Cayman Islands attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on the <sup>20<sup>th</sup></sup> day of <sup>January</sup> 2016, at <sup>9<sup>30am</sup></sup> o'clock in the fore/afternoon on the hearing of an application by the Plaintiff of c/o P.O Box 2542, Grand Cayman KY1-1104, Cayman Islands that:

1. A direction be given under Section 39 of the Limitation Law (1996 Revision) that the provisions of Section 13 of the said Law shall not apply to the Plaintiff's cause of action.
2. Leave be given for the Plaintiff to proceed with her cause of action in the Grand Court for damages for personal injury loss and damage as set out in the Writ of Summons.
3. An Order that the costs of the said application be costs in the cause.
4. Such further or other relief as shall be just.

AND LET THE DEFENDANT within 14 days after service of this Summons on him counting the day of service, return the accompanying Acknowledgment of Service to the Courts office.

Dated the <sup>27<sup>th</sup></sup> day of <sup>November</sup> 2015.

  
ROSIE WHITTAKER-MYLES  
ATTORNEY-AT-LAW FOR THE PLAINTIFF

This Originating Summons was issued by Rosie Whittaker-Myles, Attorney-at-Law for and on behalf of the Plaintiff herein whose address for service is that of her Attorney, 3<sup>rd</sup> Floor Amerigo House, Elizabethan Square, P.O. Box 2542 George Town, Grand Cayman, KY1-1104, Cayman Islands.

Notes: -

- (1) This Summons 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 above date unless renewed by the Court.
- (2) If a Defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

**IMPORTANT**

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

This Originating Summons was issued by Rosie Whittaker-Myles, Attorney-at-Law for and on behalf of the Plaintiff herein whose address for service is that of her Attorney, 3<sup>rd</sup> Floor Amerigo House, Elizabethan Square, P.O. Box 2542 George Town, Grand Cayman, KY1-1104, Cayman Islands.

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

**CIVIL DIVISION**

**CAUSE NO. OF 2015**

**LEGAL AID NO. 0090/2105**

In the Matter of Section 39 Limitation Law (1996 Revision)

AND in the Matter of GCR 0.32 rule 9A

**BETWEEN: CAROL ANGELLA BENNETT**

**PLAINTIFF**

**AND: HENRY MICHAEL DIAZ**

**DEFENDANT**

**ACKNOWLEDGMENT OF SERVICE OF ORIGINATING 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.

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

Yes

No

Service of the Originating Summons 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 Island. 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 principal office.

**Please complete overleaf**

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

Rosie Whittaker-Myles  
Attorney-at-Law  
3<sup>rd</sup> Floor Amerigo House, Elizabethan Square  
P.O. Box 2542, Grand Cayman  
KY1-1104, 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.