

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 594 OF 1997

BETWEEN:

GERI EBANKS

PLAINTIFF

-and-

MARCIE ANN HYDES

JUL 23 1997

DEFENDANT

WRIT OF SUMMONS

TO: Marcie Ann Hydes

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 therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to 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 23 day of July 1997

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.

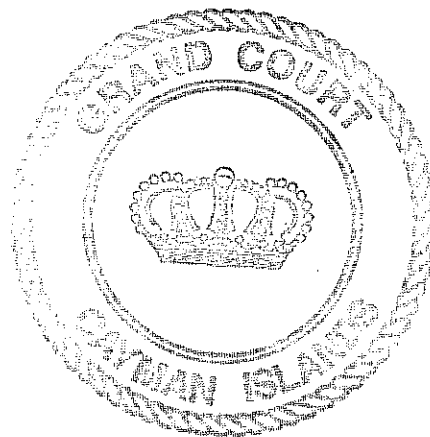
IMPORTANT

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

INDORSEMENT OF INSURER

The Plaintiff's claim arises out of the use of a motor vehicles on a public road. The insurer of the Defendant named herein is Cayman General Insurance Co. whose address for service is P.O. Box 2171 GT, Grand Cayman, Cayman Islands

JUL 23 1997

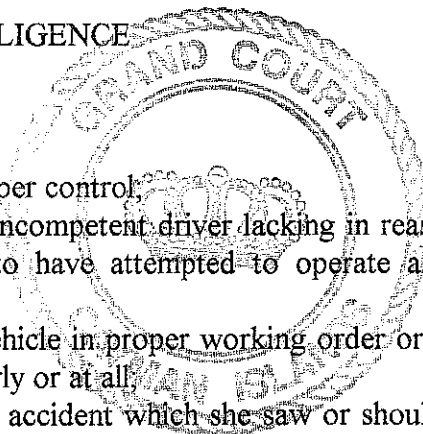


STATEMENT OF CLAIM

1. The Plaintiff was at all material times the owner and driver of a Diahatsu Rocky motor vehicle bearing Cayman Islands Registration number 56451.
2. The Defendant was at all material times the driver of a Toyota Tercel motor vehicle bearing Cayman Islands Registration number 47392.
3. On July 19, 1996, the Plaintiff was operating her vehicle travelling Northbound on West Bay Road in Grand Cayman. At or about 6:40 am she brought her vehicle to a stop near or at the junction of West Bay Road and Willy Farington Drive as a result of her having to wait for oncoming traffic to pass prior to making a right hand turn. Her signal indicator was activated shortly before coming to a stop.
4. At or about the same time, the Defendant was operating her vehicle traveling immediately behind the Plaintiff going North bound on West Bay Road.
5. Immediately following the Plaintiff bringing her vehicle to a stop, the Defendant failed to similarly stop or diminish speed sufficiently to avoid a collision, causing the front of the Defendant's vehicle to collide twice with great force into the rear of the Plaintiff's vehicle.
6. The said collision was caused solely by the negligence of the Defendant.

PARTICULARS OF NEGLIGENCE

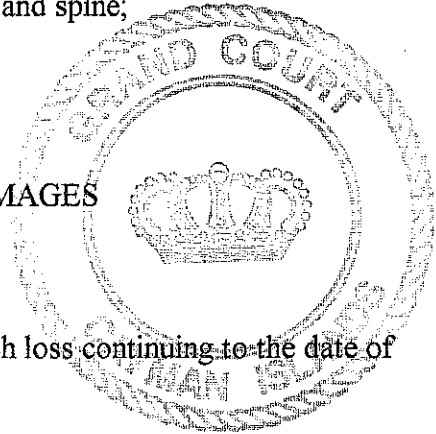
7. The Defendant:
 - a. failed to keep a proper lookout;
 - b. failed to keep her motor vehicle under proper control;
 - c. on the occasion in question, she was an incompetent driver lacking in reasonable skill and self-command and ought not to have attempted to operate a motor vehicle;
 - d. failed to have the brakes on her motor vehicle in proper working order or, in the alternative, she failed to apply them properly or at all;
 - e. failed to take reasonable care to avoid an accident which she saw or should have seen was likely to happen;
 - f. failed to exercise due care and skill in the management of her motor vehicle;
 - g. failed to observe the rules of the road as required by The Traffic Law (1991)
 - h. attempted to operate a motor vehicle while her ability to do so was impaired by alcohol, drugs, stress or fatigue, or a combination thereof.
8. By reason of the said negligence of the Defendant and resulting collision, the Plaintiff has, continues to have and is expected to continue to have severe personal injuries and, accordingly, has suffered injury, loss and damage.



PARTICULARS OF INJURIES

9. The Plaintiff has suffered from:
- a. Pain and damage to the neck and thoracic spine;
 - b. Whiplash;
 - c. Pain and damage to the left shoulder;
 - d. Numbness and parathesias in the left hand;
 - e. Tremors affecting upper and lower \ limbs, back and spine;
 - f. Decreased back flexion;
 - g. Musculae spasm and ligament strain; and
 - h. Narrowing and splinting of the cervical spine.

JUL 23 1997



PARTICULARS OF SPECIAL DAMAGES

10. The Plaintiff has incurred:
- a. Loss of income from the date of the accident such loss ~~continuing to the date of~~ the issuance of the Writ
 - b. Damage to the Plaintiff's vehicle;
 - c. Costs for Vehicle rental; and
 - d. Medical expenses and ancillary costs relating to transportation.
11. The Plaintiff will continue to incur expenses relating to treatment and necessary ancillaries.
12. The Plaintiff will continue to have a diminished income until or if she achieves a level of sufficient recovery enabling her to resume her employment at pre accident levels.
13. The Plaintiff claims Interest upon the said damages pursuant to the Judicature Law (1995 Revision) and the Judgment Debts (Rates of Interest) Rules 1996 at the rate as prescribed of 7 3/8% or at such other rate as may be prescribed or as this Honourable Court deems just from the date of issuance of this proceeding.

AND THE PLAINTIFF claims:

1. General Damages
2. Special Damages
3. Interest upon the said damages pursuant to the Judicature Law (1995 Revision) and the Judgment Debts (Rates of Interest) Rules 1996 at the rate as prescribed of 7 3/8% or at such other rate as may be prescribed or as this Honourable Court deems just from the date of issuance of this proceeding.

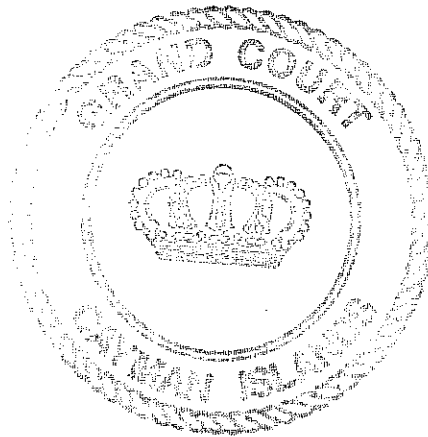
4. Costs
5. Such further and other relief as this Honourable Court Deems just.


COLLINS BROADHURST & FURNISS
Attorneys-at-Law for the Plaintiff

TO: The Clerk of the Court

AND TO: Marcie Ann Hydes
Church Street West Bay, Grand Cayman

JUL 23 1997



This Writ of Summons was issued by Collins Broadhurst & Furniss whose address for service is Collins Broadhurst & Furniss, Attorney-at-Law, P.O. Box 2503, George Town, Grand Cayman, Cayman Islands, British West Indies, Attorneys 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 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 495, G.T. Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 not endorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the defence must be served within fourteen (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 endorsed on the Writ, the defence need not be served until fourteen (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 within 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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for fourteen 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.

Notes for 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 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. 594 OF 1997

Between:

GERI EBANKS

Plaintiff

-and-

MARCIE ANN HYDES

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 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 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 see overleaf.....

Notes on address for service

Attorney: where 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.

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

**COLLINS, BROADHURST & FURNISS
ATTORNEYS-AT-LAW
P.O. BOX 2503 ELIZABETHAN SQUARE
GEORGE TOWN, GRAND CAYMAN
BRITISH WEST INDIES**

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

[Empty box for Defendant's Attorney indorsement]