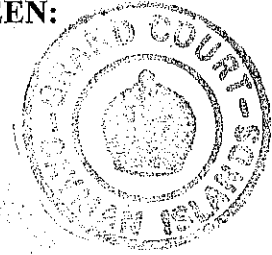


IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO ⁴ OF 2018

BETWEEN:



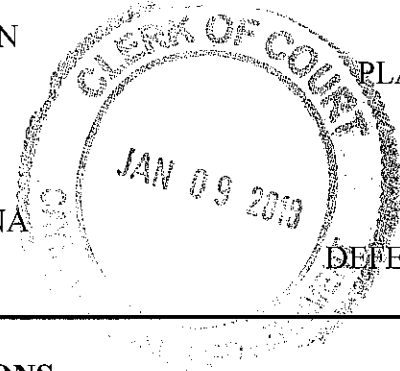
DONNA NATION

PLAINTIFF

AND

ALINA CAHUANA

DEFENDANT



WRIT OF SUMMONS

TO: MISS ALINA CAHUNA
JOHN GREER BOULEVARD
GEORGE TOWN
GRAND CAYMAN

This claim arises out of the use of a motor vehicle on a road, and the named Defendant benefits from a motor vehicle insurance policy with the following insurance company:

ICWI (Cayman) Limited
P.O Box 472
Harbour Place, 2nd Floor, North Wing
103 South Church Street
George Town
Grand Cayman KY1-1106

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of a claim set out in the statement of claim.

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 495GT, 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 ^{9th} day of January 2018

THIS WRIT OF SUMMONS is filed by Stenning & Associates, attorneys for the Plaintiff, whose address for service is that of his attorneys, at 3rd Floor, 433 west Bay Road, Georgetown, P.O. Box 901, Grand Cayman KY1-1103, Cayman Islands.

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 vehicle on a public road. The insurer of the **FIRST DEFENDANT** named herein is **ICWI (Cayman) Limited**.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO OF 2018

CIVIL DIVISION

BETWEEN:

DONNA NATION

PLAINTIFF

AND

ALINA CAHUANA

DEFENDANT

STATEMENT OF CLAIM

1. On 23rd December 2015 the Plaintiff was lawfully driving a Toyota Hilux motor vehicle, registration number 139508, within the speed limit along Dorcy Drive heading towards Portland Road, Grand Cayman, when she came along the portion of the road next to the “On the Run” gas station. The Defendant, who was driving a Hyundai Elantra motor, registration number 163692, pulled out of the gas station onto Dorcy Drive and into a collision with the side of the Plaintiff’s vehicle.
2. The accident was caused by the negligence of the Defendant.

PARTICULARS OF NEGLIGENCE

- a. Failing to drive with due care and attention;
- b. Failing to keep a proper look out;
- c. Failing to give the Plaintiff any or any sufficient time to pass before emerging from the gas station;

- d. Failing to stop, slow down, swerve or in any other way so to manage and control her motor car as to avoid the accident;
 - e. Failing to apply brakes in time or at all;
 - f. Colliding with the Plaintiff's vehicle.
3. The Plaintiff will rely upon the admission of liability from the Defendant's insurance company by way of letter on 27th June 2017;
 4. As a consequence of the negligence, the Plaintiff, who was born on 22nd November 1964, has suffered injury, loss and damage.

PARTICULARS OF INJURY

- a. whiplash injury to neck;
 - b. whiplash injury to back;
 - c. sciatica
5. The Plaintiff will rely upon the medical notes for evidence of the injuries suffered. The Plaintiff is at liberty to adduce and rely on further medical evidence in due course.

PARTICULARS OF SPECIAL DAMAGE

6. A schedule of Special Damage with full particulars will be served in due course including any subrogated claim advanced on behalf of the Plaintiff's health insurer, will be provided prior to trial.
7. In summary, these heads of loss are:
 - a. Medical expenses;
 - b. Care and assistance;
 - c. Loss of employment opportunity;

- d. Future medical expenses;
- e. Future care and assistance;

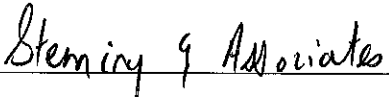
CLAIM FOR INTEREST

8. The Plaintiff pleads and relies upon section 34 of the Judicature Law (2013 Revision) and the Judgement Debts (Rates of Interest) Rules 1995 as amended and claims interest on her general and special damages and costs as follows:
- a) Prejudgement (simple) interest on her general and special damages awarded from 23rd December 2015 to judgement at a rate of 2.375%
 - b) Post-judgment interest upon the principal amount of the judgement with the effect from the date of service of the judgement at a rate 2.375%; and
 - c) Interest on all fixed or assessed costs and orders running from the date of service of the orders or certificates of taxation respectively and at a rate of 2.375%

AND the Plaintiff claims:

- (i) General damages for pain and suffering and loss of amenities to be assessed;
- (ii) Special damages;
- (iii) Pre-judgment and post-judgment interest pursuant to section 34 of the Judicature Law (2013 Revision) and Judgement Debts (Rates of Interest) Rules 1995 as amended, and more particularly pleaded above;
- (iv) Costs; and
- (v) Such further and other relief as the Court may deem just.

DATED the 4th January 2018



Stenning & Associates

Attorneys for the Plaintiff

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 her 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 her 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 her Acknowledgment, but he must, within that time, issue a Summons for a stay of execution, supported by an affidavit of her 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 her 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 her name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HER OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after her 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
(CIVIL DIVISION)

CAUSE NO OF 2018

BETWEEN:

DONNA NATION

PLAINTIFF

AND

ALINA CAHUANA

DEFENDANT

ACKNOWLEDGMENT OF SERVICE

OF WRIT OF SUMMONS & STATEMENT OF CLAIM

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).....

Attorneys for Defendant

This Writ of Summons and Statement Of Claim has been filed by Stenning & Associates, attorneys for the Plaintiff, whose address from service is that of her attorneys, at 3rd Floor, 433 west Bay Road, Georgetown, P.O. Box 901, Grand Cayman KY1-1103, Cayman Islands.

Please complete overleaf

This Writ of Summons and Statement Of Claim has been filed by Stenning & Associates, attorneys for the Plaintiff, whose address from service is that of her attorneys, at 3rd Floor, 433 west Bay Road, Georgetown, P.O. Box 901, Grand Cayman KY1-1103, Cayman Islands.

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 her post office box number and the physical address of her 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 her name, address and reference, if any, in the box below.

STENNING & ASSOCIATES
Attorneys-at-Law
3rd Floor, Marquee Place,
433, West Bay Rd,
George Town,
Grand Cayman.

Indorsement by defendants Attorney (or by defendant if suing in person) of her name, address and reference, if any, in the box below.

[Empty box for defendant's attorney indorsement]