

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 593 OF 1998

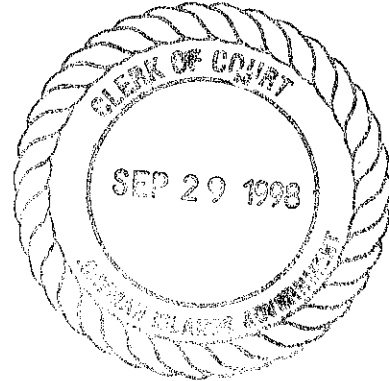
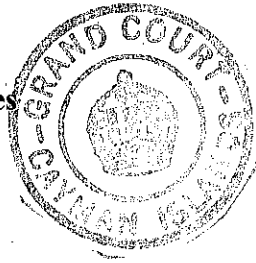
BETWEEN: CARRIE WATLER PLAINTIFF

AND: BRUCE LEVY DEFENDANT

WRIT OF SUMMONS

TO: Mr Bruce Levy
c/o

AND TO: Colin Luke & Associates
The Defendants' Insurers
Thomas Russell Way
George Town



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 Courts Office, P O Box 495, George Town, Grand Cayman, the accompanying Acknowledgement of Service form stating therein whether you intend to contest the 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 judgement may be entered against you forthwith without further notice.

Issued this *29th* day of *Sept.*, 1998.

NOTE-this Writ may not be served later than 4 calendar months.

IMPORTANT

Directions for Acknowledgement of service are given with the accompanying form

STATEMENT OF CLAIM

1 The Plaintiff is a self employed businesswoman who specialises in contractual construction work and carpentry. At the material time she was the owner and driver of a motor vehicle, registration # 66603.

2 The Defendant is an individual who resides in the Cayman Islands and at the material time he was the driver of a Chevrolet Truck registration # 44 - 660. The said vehicle was at the material time insured by Colin Luke & Associates.

3 On or about 24th January, 1998 at approximately 2am on Crewe Road/ North Sound Way in the vicinity of the Traffic Lights located by Graham's Esso in George Town Grand Cayman the Plaintiff was driving her motor car registration # 66603 in the vicinity of the said Traffic Lights travelling from the North Sound Road. Upon her approach to the junction with Shedden Road, the traffic lights turned green indicating that the Plaintiff could proceed. As the Plaintiff attempted to proceed she felt a thump as the Defendant who was travelling in the opposite direction collided with her motor vehicle.

4 The accident was caused by the negligence of the Defendant.

PARTICULARS

The Defendant was negligent in that he:

- (a) collided with the Plaintiff
- (b) Failed to keep any or any proper look out
- (c) Drove through a red traffic light
- (d) Drove too fast
- (e) failed to stop at a red traffic light
- (f) Failed to see and/or heed the traffic light which was red at the time
- (g) Failed to see and/or heed the Plaintiff's vehicle which was crossing the road at the time
- (h) Failed to stop, to slow down, to swerve or in any other way so to control his vehicle as to avoid colliding with the Plaintiff

5 At the scene of the accident, the Defendant admitted both to the Plaintiff and to the Police that the accident was caused by his not paying attention to the traffic lights which he admitted were red from his view point, at the time that he attempted to cross the road. Subsequently in a written statement dated 24th January, 1998 the Defendant reiterated his statement that he was not paying attention and had not realised that the traffic lights were red until he saw the Plaintiff's car coming towards him.

In his statement he indicated that upon seeing the Plaintiff's car he tried to apply his brakes to avoid colliding with her car but that he ended up colliding with her anyway. The Plaintiff will rely on the said Statement for its full terms and legal effect.

6 The Defendant was subsequently charged with Careless Driving in the Summary Court which matter is still pending before that Court.

7 By reason of the matters aforesaid the Plaintiff, who was born on 29th October, 1948 and is 49 years of age, suffered injury, loss and damage.

PARTICULARS OF INJURY

Pain and shock

Contusions to the left of the head

A bruised left knee

A closed head injury which requires further investigation

There is continuing pain and instability in the head and which may be permanent.

There is continuing pain and instability in the left leg which may be permanent.

The Plaintiff has been placed at a disadvantage on the Labour market because it is unlikely that she will be able to engage in work involving prolonged standing, walking or lifting of heavy objects as she did prior to the accident and her injury.

PARTICULARS OF SPECIAL DAMAGES

| | |
|---|-------------------------------|
| (A) Loss of Earnings - 16 weeks @ CI\$910.00 per week | CI\$14,560.00 (Continuing) |
| (B) Medical Expenses | CI\$652.00 (Continuing) |
| © Amount paid for driver to take Plaintiff around (she was unable to drive) CI\$200.00 per week for 5 weeks | CI\$1,000.00 |
| Total | <hr/> CI\$16,212.00 |

WHEREFORE THE PLAINTIFF CLAIMS

:
Damages, Interest and Costs

Dated this 29th day of September, 1998.

Brooks & Brooks
BROOKS & BROOKS
Attorney-At-Law
for the Plaintiff

THIS WRIT IS ISSUED by Brooks & Brooks Attorney-At-Law for the Plaintiff whose address for service is 2nd floor Harbour Centre, P.O. Box 1355, George Town, Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 593 OF 1998.

BETWEEN: CARRIE WATLER

PLAINTIFF

AND BRUCE LEVY

DEFENDANT

**ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS**

If you intend to instruct an Attorney-At-Law to act for you, give him this form

IMMEDIATELY.

Important. Read the accompanying

Delay may result in

directions and notes for guidance

judgement being entered

carefully before completing this

against a Defendant

form. If any information required

whereby he may have to

is omitted or given wrongly, **THIS**

pay the costs of

FORM MAY HAVE TO BE RETURNED

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

No

Service of the Writ 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 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 communication 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 Defendant if suing in person) of his Name, Address and References, if any, in the box below.

**Brooks & Brooks
Attorneys At Law
2nd Floor Harbour Centre
P O Box 1355GT GRAND CAYMAN**

Endorsement by Defendant's Attorney (or by Defendant if suing in person) of his Name,

Address and Reference, if any, in the box below.