

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 790 OF 1998

BETWEEN: (1) SUSANNE McLEAN

(2) JORDAN McLEAN)

(3) JACOB McLEAN) By Susanne McLean their next friend

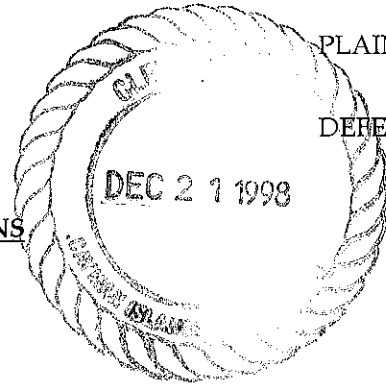
(4) JONAH McLEAN)

PLAINTIFFS

AND: MARYJO HOWARD

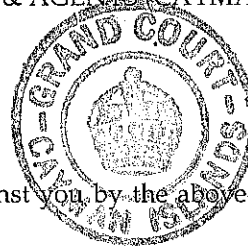
DEFENDANT

WRIT OF SUMMONS



TO: MARYJO HOWARD
WEBSTER'S ESTATES
GEORGE TOWN,
GRAND CAYMAN

AND TO: BRITAM INSURANCE BROKERS & AGENTS (CAYMAN) LTD.
BRITISH AMERICAN CENTRE
GEORGE TOWN,
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 Fourteen days [14] 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 Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment 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 21st day of Dec, 1998.

NOTE - This Writ may not be served later than 4 calendar month 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.

STATEMENT OF CLAIM

1. The First Plaintiff is and was at all material times a resident of Grand Cayman.
2. The Second, Third and Fourth Plaintiffs are minors ("the Minor Plaintiffs") and sues by their next friend (and mother) Susanne McLean, the First Plaintiff. The Minor Plaintiffs were at the time of the accident 11 years, 5 years and 2 years respectively.
3. The Defendant was at all material times a resident of Grand Cayman.
4. On the 3rd January 1996 the First Plaintiff was the driver of a 1989 Cadillac Sedan DeVille registration no. 38 986. The Minor Plaintiffs were passengers in the said motor vehicle. At approximately 8:15 a.m. in the vicinity of Webster's Estates and Walker Road, Grand Cayman, the motor vehicle in which the Plaintiffs were travelling was hit by a Jeep motor vehicle driven by the Defendant. The said motor vehicle is registered in the name of the Defendant and insured with Britam Insurance Brokers & Agents (Cayman) Ltd.
5. That the said collision was caused by the negligence and breach of duty of care of the Defendant in and about the driving, management and control of the said motor vehicle.

PARTICULARS OF NEGLIGENCE

- a. The Defendant failed, at the relevant time, to observe the "Stop" sign at the intersection Webster's Estate and Walkers Road.
- b. The Defendant failed to have any, or any proper, regard for the other road users in general, and in particular, for the vehicle in which the Plaintiffs were travelling.
- c. The Defendant failed to keep any, or any proper, look out and/or to observe and/or heed the presence of other road users in general when she knew or ought to have known that vehicles would be or were travelling along the road.
- d. The Defendant failed to maintain proper control of his motor vehicle.
- e. The Defendant failed to stop, slow down, to swerve or in any other way so to manage or control the said motor vehicle as to avoid the collision.

- f. The Plaintiffs will further rely upon the maxim "*res ipsa loquitur*".
6. By reason of the Defendant's negligence and breach of duty of care, the Plaintiffs have suffered personal injuries, mental and emotional trauma and, consequently, loss and damage for which the Defendant is responsible.

PARTICULARS OF INJURIES

(1) Plaintiff

- a) Trauma to neck , arms and spine with severe pain.
- b) Severe headaches over an extended period of time

(2) Minor Plaintiffs

- a) Trauma
 - b) Emotional displacement for a period of time.
- 1) The Plaintiffs will further rely on the various medical reports prepared by the different doctors who attended to her and the Minor Plaintiffs.
 - 2) The Plaintiffs were treated with chiropractic and physiotherapy methods.
7. That as a result of the Defendant's negligence, the Plaintiff's motor vehicle suffered damage and the Plaintiff was forced to rent a motor vehicle until the repairs were completed.

AND THE PLAINTIFFS CLAIM AGAINST THE DEFENDANT:-

- 1. SPECIAL DAMAGES totaling approximately C\$12,376.46
- 2. General Damages;
- 3. Interest pursuant to the Judgment Debts (Rate of Interest) Rules 1998 at the rate of 7 7/8% on the amount found to be due to the Plaintiffs.
- 4. Such further and other relief.

5. Costs.

DATED this 21st day of December, 1998

Quin & Hampson

QUIN & HAMPSON
Attorneys-at-Law for the Plaintiffs

TO: The Clerk of the Court
Courts Office
George Town, Grand Cayman

AND TO: Maryjo Howard
Webster's Estates
George Town,
Grand Cayman

AND TO: Britam Insurance Brokers & Agents (Cayman) Ltd.
British American Centre
George Town,
Grand Cayman

FILED by Messrs. Quin & Hampson, Attorneys-at-Law for and on behalf of the Plaintiffs herein whose address for service and correspondence is that of their said Attorneys-at-Law, Harbour Centre, Third Floor, PO Box 1348, George Town, Grand Cayman, B.W.I.

Notes for Guidance

798

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**, 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 his 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.

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 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.

Messrs. Quin & Hampson
Attorneys-at-Law
Third Floor, Harbour Centre
P.O. Box 1348
George Town,
GRAND CAYMAN

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]