

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. *209* OF 1999

BETWEEN: SILA BROWN

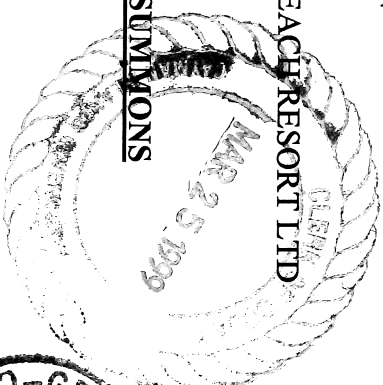
Plaintiff

AND:

GALLEON BEACH RESORT LTD

Defendant

WRIT OF SUMMONS



TO: Galleon Beach Resort Ltd  
c/o Myers & Alberga  
P. O. Box 472 GT  
George Town  
Grand Cayman, BWI

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff, of P. O. Box 1835 GT, Grand Cayman, in respect of the claim set out on the next page.

Within fourteen (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 495, 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 judgement may be entered against you forthwith without further notice.

Issued this *25<sup>th</sup>* day of March, 1999.

NOTE - This Writ may not be served later than four (4) calendar months beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

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

**INDORSEMENT**

The plaintiff's claim against the defendant is for special and general damages resulting from the personal injuries which she suffered on 9th April 1996 when, whilst employed by the defendant as a chambermaid and carrying out her duties as such in a normal fashion, she slipped and fell on the floor of a hallway ("the hallway") in the building known as The Westin Hotel ("the building") where she was expected to perform her work. The building and the hotel situated therein ("the hotel") were owned, operated and maintained by the defendant. The defendant had provided the plaintiff with shoes which were one full size larger than her normal shoe size despite the latter's protest and had required her to wear them while on duty. The hallway floor was unexpectedly wet at the place where, and at the time when, the plaintiff slipped and fell. The defendant is liable for the plaintiff's damages because it was, at the relevant time, in breach of its duty of care and of its statutory duty towards the plaintiff as the latter's employer and as occupier of the building. The plaintiff also claims pre-judgment and post-judgment interest and costs from the defendant.

Dated this 24<sup>th</sup> day of March, 1999

Brooks - Brooks

Brooks & Brooks  
Attorneys-at-law for the plaintiff

To: The Clerk of the Court

And to: The defendant

STATEMENT REGARDING INTEREST

- (i) The prescribed rates of interest, during the relevant period, were 7 3/8 % per annum until 31st January, 1998, 7 7/8 % thereafter until 31st December, 1998 and 7% since 1st January, 1999.
- (ii) The date from which interest is calculated is various dates between 9th April, 1996 and the date of issue of this writ.

THIS WRIT OF SUMMONS was issued by Brooks & Brooks, the attorneys-at-law for the plaintiff, whose address for service is Artillery Court, P. O. Box 1355, George Town, Grand Cayman, Cayman Islands, B. W. I.

**DIRECTIONS FOR ACKNOWLEDGEMENT 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 495, George Town, Grand Cayman.

2. A Defendant who states in his 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 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 his 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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for 14 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.

*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 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.                      of 1999**

**BETWEEN:                      SILA BROWN                      PLAINTIFF**  
**AND;                      GALLEON BEACH RESORT LTD                      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                      Delay may result in  
directions and notes for guidance                      judgement being entered  
carefully before completing this form.                      against a Defendant  
If any information required is omitted                      whereby he may have to  
or given wrongly, **THIS**                      pay the costs of applying to  
**FORM MAY HAVE TO BE RETURNED**                      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

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( Please tick box)

Yes

No

Service of Writ is acknowledged accordingly

Signed \_\_\_\_\_

Please complete overleaf

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

**Brooks & Brooks  
Attorneys At Law  
P O Box 1355 GT  
GRAND CAYMAN**

**(One, Artillery Court, George Town, Grand Cayman)**

Indorsement by the defendant's attorney (or by the defendant if suing in person) of his name, address and residence, if any in the box below