

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 295 OF 1999

BETWEEN: THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS PLAINTIFF
(On behalf of the Government of the Cayman Islands
the owners of the CONCEPT)

AND:

- (1) BARCLAYS BANK TRUST COMPANY LIMITED**
(Executor of the Estate of Raymond Barry Kingshott)
- (2) WENDY JANE KINGSHOTT**
- (3) SPANISH DIVE & BEACH RESORT LTD. OR ERNIE SMATT**
(trading as Spanish Bay Reef Resort and Dive Shop)
- (4) RESORTS SPORTS LTD.**
(trading as Spanish Bay Reef Dive Shop)

and all other persons claiming to have sustained loss or damage or personal injury by reason of an incident which occurred in the waters off Grand Cayman on the 10th day of September, 1997, involving the CONCEPT and Raymond Barry Kingshott.

DEFENDANTS

WRIT OF SUMMONS

TO: BARCLAYS BANK TRUST COMPANY LIMITED
(Executor of the Estate of Raymond Barry Kingshott)
c/o W.S. Walker & Co. Attorneys-At-Law, PO Box 265GT, Grand Cayman,

AND TO: WENDY JANE KINGSHOTT, c/o W.S. Walker & Co., Attorneys-At-Law,
PO Box 265GT, Grand Cayman.

AND TO: SPANISH DIVE & BEACH RESORT LTD. OR ERNIE SMATT
(trading as Spanish Bay Reef Resort and Dive Shop,) c/o Boxalls, Attorneys-At-Law,
PO Box 1234 GT, Grand Cayman.

AND TO: RESORTS SPORTS LTD.
(trading as Spanish Bay Reef Dive Shop), c/o Boxalls, Attorneys-At-Law,
PO Box 1234 GT, 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.

Unless you admit the claim you must within 14 days after service of this Writ on you, counting the day of service, return to the Court Office mentioned below the accompanying **ACKNOWLEDGMENT OF SERVICE**.

If you fail 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 without further notice to you.

Issued this 4th day of May, 1999 .

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 acknowledgement of Service are given with the accompanying form.

The Plaintiffs' claim is for:-

1. a Declaration that by reasons of the Merchant Shipping Law 1997 (Law 24 of 1997) they are entitled to limit their liability (if any) in respect of loss of life or personal injuries, or pain, or suffering or loss of other amenities or nervous shock or other loss arising as a result of an incident which occurred in the waters off Grand Cayman on the 10th day of September, 1997 involving the **CONCEPT** and Raymond Barry Kingshott;
2. a Declaration that the tonnage of the **CONCEPT** for the purpose of this action does not exceed 300 tons;

3. a Decree that the liability of the Plaintiff is limited to 166,667 special Drawing rights and no more, together with interest at the rate of $7 \frac{3}{8} \%$ per annum from the 10th day of September 1997 to the date of the constitution of the fund herein.
4. that the said sum may be rateably distributed among the several persons who may make out their claims thereto.

C.S. Gill & Co.

C.S. Gill & Co.

Attorneys at Law for the Plaintiff

THIS WRIT was issued by C.S. Gill & Co, Attorneys-at-Law, whose address for service is 4th floor, Genesis Building, PO Box 945, George Town, Grand Cayman, BWI.