

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 23 OF 1996.

BETWEEN: CLIVE SMITH PLAINTIFF

AND: MAUREEN POWELL DEFENDANT

WRIT OF SUMMONS

**TO: Maureen Powell,
East End.**

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

Within fourteen (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 495G, 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 the 23rd day of January, 1996.

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

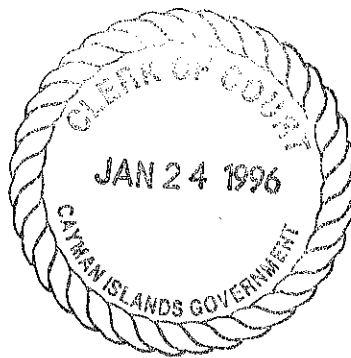
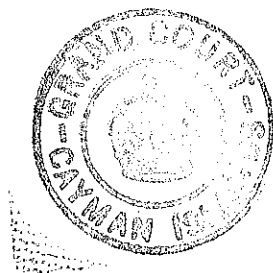
Directions for Acknowledgement of Service are given with the accompanying form.

ENDORSEMENT

The Plaintiff's claim is for damages for personal injuries and consequential loss or damage caused by the negligent driving of the defendant on the 30th day of January, 1994 at Crewe Road in Grand Cayman

Dated this 24th day of January, 1996.

NW
Neville W. Levy & Associates



This Writ is issued by Neville W. Levy & Associates, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is that of the said Attorneys at the Thompson Building in George Town, P.O.Box 2178.

STATEMENT OF CLAIM

1. On the 30th day of January, 1994 the Plaintiff was driving his Mazda Truck, Registration No. 45290 along Crewe Road, when, while stopped behind a Van, Registration No. 36941, driven by Alberto Webster, in the vicinity of Brichwood Road, the Defendant drove her Chev. Motor Car, Registration No. 33095, and collided in the back of the Plaintiff's truck

2. The said collision was caused by the negligence of the Defendant.

PARTICULARS OF NEGLIGENCE

1. Driving at excessive speed.

2. Failing to apply her breaks in time or at all or to steer or control her Van so as to avoid the said collision.

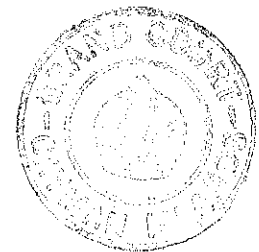


By reason of the matters aforesaid, the plaintiff suffered personal injuries and pain and loss and damage.

PARTICULARS OF INJURIES

1. The Plaintiff, after the accident, suffered severe headaches, pain to the lower back, left shoulder and chest.

2. The plaintiff was diagnosed to be suffering from an acute spondylitis affecting the dorsolumbar spine



3. The plaintiff suffered loss of potency with difficulty in initiating sexual acts.
4. The plaintiff suffered permanent partial disability of the lumbosacral spine assessed at 10 percent of the spine, equivalent to 6 percent of the Whole Person.
5. The Plaintiff will rely upon the medical evidence to detail the full extent of his injuries.

PARTICULARS OF DAMAGES

A. SPECIAL DAMAGES

i. Loss of earnings

From 31st January, 1994 to 7th July, 1995,
22 weeks at \$600.00 per week less \$108.00
for Monday the 31st January, 1994

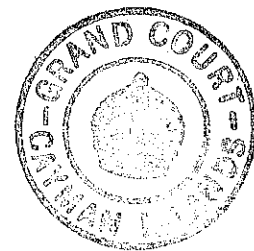
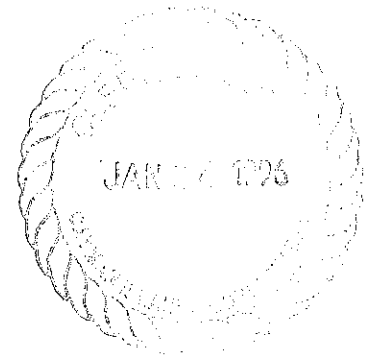
= \$600 x 22 = \$13,200 - \$108.00 = \$13,092.00

ii. Medical expenses.

a. Medical Bills.

1. In Jamaican Dollars:-

7/2/94 to Dr. Rose	= \$ 500.00
7/2/94 to pharmacy	= \$ 210.75
10/2/94 to Dr. James	= \$ 500.00
13/4/94 to Dr. Rose	= \$1050.00
5/5/94 to Dr. Rose	= \$1500.00
6/10/94 to Dr. Rose	= \$ 550.00
5/4/95 to Dr. Rose	= \$ 500.00



7/4/95 to Dr. Wan =\$1030.00
30/6/95 to Dr. Wan =\$ 600.00

=JAS\$6,440.00
=USS192.23

=CIS153.79

2. Dr. Grant - in Cayman Dollars:-

17/2/94 =\$ 40.00
24/2/94 =\$ 40.00
25/3/94 =\$ 25.00
7/4/94 =\$ 30.00
25/4/94 =\$ 30.00
19/5/94 =\$ 30.00

=CIS190.00

3. Health Authority - in Cayman Dollars

24/2/94 =\$ 55.00
4/5/94 =\$ 43.20
6/5/94 =\$ 16.20
11/5/94 =\$ 10.80
15/5/94 =\$ 25.00

=CIS150.20

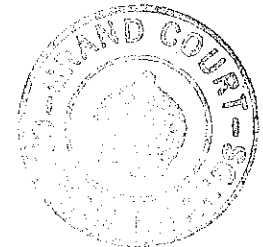
4. Medication - in Cayman Dollars:-

23/3/94 =\$ 10.85
23/3/94 =\$ 9.40
25/3/94 =\$ 6.15

=CIS26.40

5. Medical Certificates - Cayman Dollars

CIH Authority =\$ 60.00
Dr. Grant =\$ 60.00
Dr. Rose (US\$100) =\$ 80.00
Dr. Van (US\$40) =\$ 32.00
Dr. Rose (US\$30) =\$ 24.00



=**\$256.00**

b. Travel Expenses To Jamaica.

1.

8/4/94	=US\$222.00
23/9/94	=US\$190.00
31/3/95	=US\$222.00
24/6/95	=US\$222.00

=**US\$856.00**

or

=**CIS684.80**

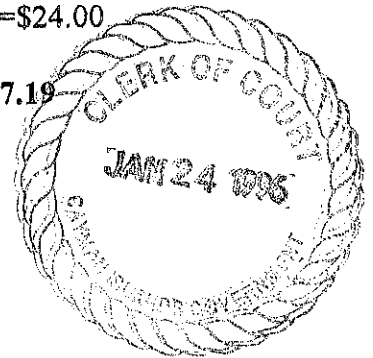
2.

Travel Tax from Cayman

4 departure at \$6.00 each =**\$24.00**

TOTAL

\$14,577.19



AND THE PLAINTIFF CLAIMS:


a. Damages (Special & General)

b. Interest on Special Damages:-

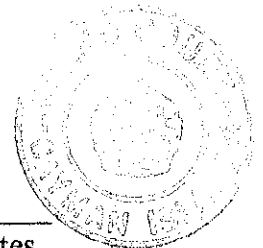
- i. on **Loss of Earnings** at the rate of 7 1/2% per annum from 7th July, 1994 to the 1st June 1995 and thereafter at the rate of 8 3/8% per annum until payment
- ii. On all other bills from the date they incurred to the 1st June, 1995 at the rate of 7 1/2% per annum and thereafter at the rate of 8 3/8% per annum until payment.

c. Costs

Dated this 24th day of January, 1996.



Neville W. Levy & Associates



This Writ was issued by Neville W. Levy & Associates, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is that of the said Attorneys at Room 2 of the Thompson Building in George Town, P.O.Box 2178.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 23/96

BETWEEN: CLIVE SMITH PLAINTIFF
AND: MAUREEN POWELL 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 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 judgement being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

1. Maureen Powell
2. State whether the Defendant intends to contest the proceedings. (tick "yes" or "no")
3. State whether the Defendant intends to apply for a stay of execution judgement entered by the Plaintiff. (tick "yes")

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 communications for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

Neville W. Levy & Associates
Thompson Building, George Town.
P.O. Box 2178.

Indorsement by Defendant's Attorneys (or by defendant if suing in person) of his name, address and reference , if any, below.

