

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ²⁰⁹ OF 2000

BETWEEN: CLINTON ANTHONY RICHARDS PLAINTIFF

AND: THOMAS SHEPPARD ROCKWELL DEFENDANT



WRIT OF SUMMONS

TO: Thomas Rockwell Sheppard
The Cayman Club
Apartment no. 2
West Bay Road
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 *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, PO 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 this 24th day of March 2000.

Note: This Writ may no 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 renewed by order of this court.

IMPORTANT

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

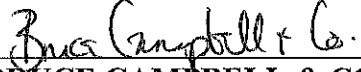
ENDORSEMENT

The Plaintiff's claim is for damages for personal injuries and financial loss and damage arising from an accident on South Church Street, South Sound, Grand Cayman on 28th March 1997, which accident was caused by the negligence and/or breach of statutory duty of the Defendant together with interest and costs.

ENDORSEMENT PURSUANT TO GCR ORDER 6 RULE 4

The Defendant's motor vehicle was insured by Motor & General Insurance Company Ltd, P.O. Box 1094 George Town, Grand Cayman

Dated the 24th day of March 2000.


BRUCE CAMPBELL & CO
Attorneys-at-Law for The Plaintiff

**DIRECTIONS FOR ACKNOWLEDGMENT 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, PO Box 495G, 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 if 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 judgement 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 judgement 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 judgement 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 Acknowledgment 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 installments 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 28 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 is 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 action for a guardian *ad litem*.
- (8) A Defendant acting in person may obtain help in completing the form at the Courts Office