

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 229 OF 2000

BETWEEN:

**YVES GOSSELIN as personal representative
of the Estate of Anne-Marie Dubois, deceased**

PLAINTIFF

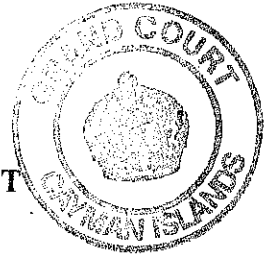
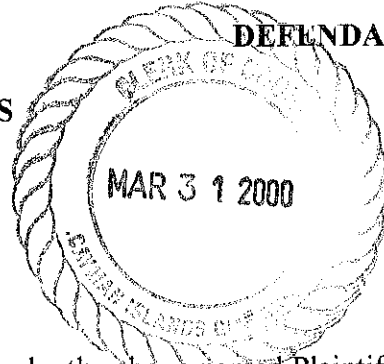
-and-

**The Personal Representatives of the
Estate of Marlon McLaughlin, deceased**

DEFENDANT

WRIT OF SUMMONS

TO: The Defendant
In Care of his Personal Representative
To Be Appointed.
Grand Cayman, Cayman Islands



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, P.O. Box 495GT, 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 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 31 day ^{Mar} of 2000

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 Acknowledgment of Service are given with the accompanying form.

INDORSEMENT OF INSURER

The Plaintiff's claim arises out of the use of a motor vehicles on a public road. The insurer of the Defendant named herein is Britam Insurance Brokers & Agents (Cayman) Ltd. whose address for service is P.O. Box 2174 GT, Grand Cayman, Cayman Islands.

INDORSEMENT OF CAPACITY

The Plaintiff sues in his capacity as the Personal Representative of the Estate of Anne-Marie Dubois, deceased, by the authority of the re-sealing by the Grand Court on March 30th, 2000 of Letters of Verification issued on February 22nd, 2000 in the Province of Quebec, Canada.

INDORSEMENT OF NATURE OF CLAIM

1. The Plaintiff is the husband and widower of Anne-Marie Dubois, deceased and he brings this action for the benefit of himself and the children of the deceased pursuant to The Torts (Reform) Law (1996 Revision). The Plaintiff is the personal representative of the estate of the deceased by process of re-sealing of a grant of administration, Letters of Verification, obtained in the Province of Quebec, Canada.
2. On April 3rd, 1999, Anne-Marie Dubois was a passenger in a rented Hyundai Accent motor vehicle bearing registration number 53814 operated by Maurice Martial. Martial was driving northbound on Colliers Road in the District of East End.
3. At the same time, a motor vehicle was being operated by McLaughlin (hereinafter referred to as "McLaughlin"), deceased, traveling southbound on Colliers Road in the District of East End.
4. McLaughlin was at all material times the owner and operator of a Nissan Pulsar vehicle bearing registration plate number 67264.


5. McLaughlin negligently operated his vehicle and lost control of his vehicle crossing over the road causing his vehicle to collide with the vehicle operated by Martial.

PARTICULARS OF NEGLIGENCE

- A. McLaughlin was traveling in excess of a safe speed given the conditions of the road.
 - B. McLaughlin failed to keep his motor vehicle under proper control;
 - C. McLaughlin failed to exercise due care and skill in the management of his motor vehicle;
 - D. On the occasion in question, he was an incompetent driver lacking in reasonable skill and self-command and ought not to have attempted to operate a motor vehicle;
 - E. McLaughlin failed to take reasonable care to avoid an accident which he saw or should have seen was likely to happen
 - F. McLaughlin was traveling in excess the posted speed limit for the portion of Colliers road where the accident occurred;
 - G. McLaughlin was operating a vehicle while he was legally impaired to operate a motor vehicle;
 - H. McLaughlin was operating a motor vehicle shortly after the consumption of alcohol thus impairing his ability to operate a motor vehicle and to make decisions in respect to the operation of a motor vehicle;
 - I. McLaughlin failed to insure that his motor vehicle could safely be operated or controlled at speeds at which he drove his vehicle;
6. As a result of the accident, Anne-Marie Dubois suffered fatal injuries and died on the same day.
7. The names of the persons for whose benefit this action is brought are:
- a. Yves Gosselin, the widower of the deceased, born December 5th, 1955;
 - b. Mathieu Gosselin, son of the deceased, born on July 24th, 1982,
 - c. François Gosselin, son of the deceased, born on February 18th, 1985;
 - d. Emmanuelle Gosselin, daughter of the deceased, born on May 21, 1989.
8. At the time of her death the deceased was 40 years of age, date of birth being October 19, 1958. She enjoyed good health and lived a full and busy life. She did not work for a salary and devoted her time to the care and welfare of her family. When the children were grown she could have returned to work and the Plaintiff, in his personal capacity, would have been financially dependant on the deceased for a portion of her anticipated earnings.

9. The Plaintiff has lost the value of his wife's services and her children have lost the benefit of her maternal care for which claim is also made. Since her death, the Plaintiff has had to incur expenses relating to the running of the household and the rearing and care of the children.
10. The Plaintiff and the children of the deceased were wholly dependant on her for support as a wife and a mother and by her death they have lost this means of support and have suffered loss and damage.
11. Further, the Plaintiff claims damages for bereavement, and funeral expenses.
12. The Plaintiff claims for interest in accordance with the Judicature Law (1995 Revision)

Dated this 31 day of March 2000


BROADHURST DaCOSTA
Attorneys-at-Law for the Plaintiff

TO: Clerk of the Court

AND TO: Defendant

This Writ of Summons was filed by BROADHURST DaCOSTA, whose address for service is Broadhurst DaCosta, Attorney-at-Law, 40 Linwood Street, P.O. Box 2503, George Town, Grand Cayman, Cayman Islands, British West Indies, Attorneys for the Plaintiff.

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PLAINTIFF

-and-

The Personal Representatives of the
Estate of Marlon McLaughlin, deceased

DEFENDANT

ACKNOWLEDGMENT 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 judgment being entered against a Defendant whereby he may have to pay the costs of applying to 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 or otherwise participate in the proceedings (tick appropriate box)

Yes

No

3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intent to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff.

Yes

Service of the Writ of Summons is acknowledged accordingly

(Signed) _____

[Attorney] for

[Defendant in Person]

Address for Service:

Notes on address for service

Attorney: when 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 Island, 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 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:

Broadhurst DaCosta
Attorneys-at-Law
40 Linwood Street
P.O. Box 2503 GT
Grand Cayman, Cayman Islands

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]

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, P.O. 495GT, 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 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 installments or otherwise.

See next page for notes for guidance.

Please complete next page

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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessarily (although not necessarily in an adversarial manner) you should tick the "Yes " box in paragraph 2 of the acknowledgment of service.
3. 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.
4. Where the Defendant is used 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 Originating Summons)".
5. 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.
6. 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.
7. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorized to act on behalf for the Company, but the Company cannot take any further step in the proceedings without an Attorney acting on its behalf.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office