

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: ⁶⁵¹ OF 2000

BETWEEN:

**LYLE CHIASSON as personal representative
of the Estate of Danielle Yvonne Chiasson, deceased**

PLAINTIFF

-and-

SEAN BENNETT

1st DEFENDANT

-and-

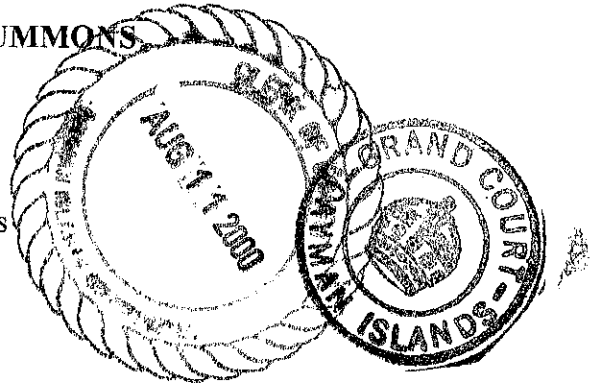
JAIME RAMOS

2ND DEFENDANT

WRIT OF SUMMONS

TO: Sean Bennet
2 Clockett Lane
Alamo Dr.
Grand Cayman, Cayman Islands

AND TO Jaime Ramos
22 Watercourse Rd
West Bay
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 11th day of August 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 1st Defendant named herein is Colin Luke & Associates whose address for service is P.O. Box 144 GT, Grand Cayman, Cayman Islands.

The insurer of the 2nd Defendant named herein is Cayman General Insurance whose address for service is P.O. Box 2171 GT, Grand Cayman, Cayman Islands.

INDORSEMENT OF CAPACITY

The Plaintiff sues in his capacity as the Personal Representative of the Estate of Danielle Yvonne Chiasson, deceased, by the authority of the grant of letters of administration dated August 8th, 2000.

INDORSEMENT OF NATURE OF CLAIM

1. The Plaintiff is the father of Danielle Yvonne Chiasson, deceased and he brings this action for the benefit of himself and the mother and sister of the deceased pursuant to The Torts (Reform) Law (1996 Revision). The Plaintiff is the personal representative of the estate of the deceased by virtue of his receiving a grant of letters of administration on August 8th, 2000 by the Grand Court of the Cayman Islands.
2. On August 13th, 1999, Danielle Yvonne Chiasson was a passenger in Subaru motor vehicle bearing registration number 43785 operated by Sean Bennett. Bennett who was driving northbound on West Bay Road.
3. At or about the same time, a motor vehicle was being operated by Jaime Ramos (hereinafter referred to as "Ramos"), was traveling northbound on West Bay Road behind Bennett's vehicle.
4. Ramos was at all material times the operator of a Ford van bearing registration plate number 75602.

5. On August 13th, 1999 Danielle Chiasson was sitting in the rear seat of Bennett's vehicle. At or about the junction of West Bay Road and Marsh Road Bennett passed another vehicle travelling northbound on West Bay Road. At or about this time Bennett turned the vehicle sharply to the right in an attempt to turn on to Marsh Road.
6. At or about the same time, Ramos was driving his vehicle behind Bennett. Ramos also was passing the same vehicle travelling northbound on West Bay Road.
7. As Bennett's vehicle was turning, Ramos's vehicle struck Bennett's vehicle from behind causing Bennett's vehicle to spin towards the east shoulder of West Bay Road. As a result of the collision and subsequent spin of the vehicle, Danielle Yvonne Chiasson was thrown from the vehicle striking her head on a tree causing fatal injuries to her.
8. The accident and the death of Danielle Yvonne Chiasson was caused by the negligence of both Sean Bennett and Jaime Ramos.

PARTICULARS OF NEGLIGENCE OF BENNETT

- A. Bennett was traveling in excess of a safe speed given the conditions of the road.
- B. Bennett failed to keep his motor vehicle under proper control;
- C. Bennett 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. Bennett failed to take reasonable care to avoid an accident which he saw or should have seen was likely to happen
- F. Bennett was traveling in excess the posted speed limit for the portion of West Bay Road where the accident occurred;
- G. Bennett attempted to pass when it was unsafe to do so.
- H. Bennett attempted to turn from West Bay Road on to Marsh Road in an unsafe manner;
- I. Bennett was operating a vehicle while he was legally impaired to operate a motor vehicle;
- J. Bennett 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;
- K. Bennett failed to insure that his motor vehicle could safely be operated or controlled at speeds at which he drove his vehicle;

PARTICULARS OF NEGLIGENCE OF RAMOS

- A. Ramos was traveling in excess of a safe speed given the conditions of the road.
 - B. Ramos failed to keep his motor vehicle under proper control;
 - C. Ramos 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. Ramos failed to take reasonable care to avoid an accident which he saw or should have seen was likely to happen;
 - F. Ramos was traveling in excess the posted speed limit for the portion of West Bay Road where the accident occurred;
 - G. Ramos attempted to pass when it was unsafe to do so.
 - H. Ramos followed too closely behind Bennett thus being unable to avoid a collision with Bennett upon Bennett making an attempt to turn on to Marsh Road;
 - I. Ramos was operating a vehicle while he was legally impaired to operate a motor vehicle;
 - J. Ramos 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;
 - K. Ramos failed to insure that his motor vehicle could safely be operated or controlled at speeds at which he drove his vehicle;
9. As a result of the accident, Danielle Yvonne Chiasson suffered fatal injuries and died on the same day.
10. The names of the persons for whose benefit this action is brought are:
- a. Lyle Chiasson, the father of the deceased;
 - b. Lynda Chiasson, the mother of the deceased;
 - c. Lisa Chiasson, the sister of the deceased.
11. At the time of her death the deceased was 24 years of age, date of birth being November 24th, 1974. She enjoyed good health and lived a full and busy life. The deceased would have financially contributed to her parents or her sister. The Plaintiff claims such contributions on his own behalf and on the behalf of for whom he makes this claim.

12. Accordingly, the Plaintiff, his spouse, Lynda Chiasson and his daughter, Lisa Chiasson have lost the benefits and contributions expected to be made by the deceased
13. Further, the Plaintiff claims damages for bereavement, funeral expenses and all travel and other expenses incurred as a result of the death of Danielle Yvonne Chiasson.
14. The Plaintiff claims for interest in accordance with the Judicature Law (1995 Revision)

Dated this 11th day of August 2000

Broadhurst DaCosta
BROADHURST DaCOSTA
Attorneys-at-Law for the Plaintiff

TO: Clerk of the Court

AND TO: Defendants

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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of the Estate of Danielle Yvonne Chiasson, deceased

PLAINTIFF

-and-

SEAN BENNETT

1st DEFENDANT

-and-

JAIME RAMOS

2ND 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 intend 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 Originating 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 can take no 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