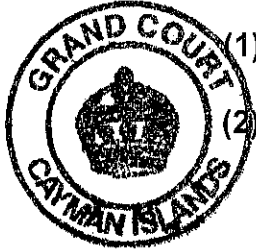


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 798 OF 2000

BETWEEN: JENNIFER COWX PLAINTIFF

AND: (1) ELBERT FORBES
(2) JUDE MCFIELD DEFENDANTS



WRIT OF SUMMONS

TO: Mr. Elbert Forbes
Middle Road
George Town

AND TO: Mr. Jude McField
Breezy Castle
George Town

AND TO: Cayman Insurance Centre Ltd.
P.O. Box 839 GT
George Town



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 of Summons on you, counting the day of service, you must either satisfy the claim or return to the Courts Office, P.O. Box 495, 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 judgment may be entered against you forthwith without further notice.

Issued this 23rd day of October, 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

The Plaintiff's claim is against the Defendants jointly and/or severally for damages caused by the negligent driving and/or breach of statutory duty of the First Defendant arising from a motor vehicle collision which occurred on or about 10th January, 2000 in the vicinity of the Seventh Day Adventist Church on Smith Road, George Town, Grand Cayman when the motor vehicle being driven by the First Defendant, a Ford Econoline, Registration Number 69012 and owned by the Second Defendant, collided into the back of the Plaintiff's Ford Tempo, Registration Number 52245.

AND the Plaintiff claims:

1. Damages.
2. Further Relief.
3. Interest pursuant to Section 34 of the Judicature Law (1995 Revision).
4. Costs.

Charles Adams Ritchie & Duckworth
CHARLES ADAMS, RITCHIE & DUCKWORTH
ATTORNEYS-AT-LAW FOR THE PLAINTIFFS

This Writ was issued by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Plaintiffs herein whose address for service is P.O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman, British West Indies

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 798 OF 2000

BETWEEN: JENNIFER COWX PLAINTIFF

AND: (1) ELBERT FORBES
(2) JUDE MCFIELD DEFENDANTS

ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS

Important. Read the accompanying Delay may result in judgment being direction and notes for guidance entered against a Defendant whereby carefully before completing this form. If he may have to pay the costs of any information required is omitted or applying to set it aside. given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

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 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 (tick box).

Yes

Service of the Writ is acknowledged accordingly

(Signed)
[Attorney] for
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.

Indorsement by Plaintiff's attorney (or by Plaintiff is suing in person) of his name, address and reference, if any, in the box below.

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

Filed by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Plaintiffs herein whose address for service is that of their said Attorneys-at-Law, P.O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman, B.W.I.

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 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.
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 in 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 acting for a *guardian ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 7918 OF 2000

BETWEEN: JENNIFER COWX PLAINTIFF

AND: (1) ELBERT FORBES
 (2) JUDE MCFIELD DEFENDANTS

STATEMENT OF CLAIM

1. The Plaintiff is a 25 year old female who at the material time was a waitress and resided in Grand Cayman.
2. The First Defendant resides in the Cayman Islands and is the brother of the Second Defendant.
3. The Second Defendant resides in the Cayman Islands and is the brother of the First Defendant.
4. On or about the 10th day of January, 2000 at approximately 4:25 p.m. the Plaintiff was driving her Ford Tempo motor car registration number 52245 and travelling west on Smith Road. Upon reaching the vicinity of the Seventh Day Adventist Church the Plaintiff applied her brake and stopped when the First Defendant, driving a Ford Econoline, registration number 69012, owned by the Second Defendant collided into the rear of the Plaintiff's motor car thereby causing the Plaintiff loss, damage and personal injury.
5. Further that the First Defendant was sent a warning letter by the Central Police Station Traffic Department for careless driving.

6. The said collision was caused and/ or contributed by the negligence and/ or breach of statutory duty under sections 59 and 60 of the Traffic Law, 1991 (Law 24 of 1991) of the First Defendant as servant and/or agent of the Second Defendant.

PARTICULARS OF NEGLIGENCE AND/OR BREACH OF STATUTORY DUTY

OF THE FIRST DEFENDANT

- i) Failing to drive in such a manner as to have full control of the Ford Econoline at all times.
 - ii) Failing to stop, to slow down, to swerve or in any other way so to manage or control the motor car as to prevent the collision.
 - iii) Failing to exercise any or any proper care and attention when using the road and/or to have any or any proper regard to the safety of other road users.
 - iv) Driving too close to a motor vehicle.
 - v) Running into the rear of a motor vehicle.
7. In consequence of the said collision, the Plaintiff sustained personal injuries and has suffered pain, loss and damages.
 8. Without prejudice to the foregoing contentions, the Second Defendant was negligent and/or in breach of his statutory duty in that he caused or permitted the First Defendant to drive the Ford Econoline in such a manner as is described at paragraph 6 herein.
 9. By reason of the matters aforesaid, the Plaintiff has suffered personal injury, loss and damage.

PARTICULARS OF INJURY

- a) The Plaintiff who is now 25 years old (and 24 years old at the date of the accident) having been born on 25th July, 1975.
- b) The Plaintiff attended the Accident and Emergency Department of the George Town Hospital shortly after the accident where she was diagnosed as having suffered from whiplash type injuries namely, tenderness in lower spine, lower back pain and pains in her left shoulder and her neck.
- c) The Plaintiff had to wear a neck brace for approximately 3 weeks and had to undergo physiotherapy treatment on a number of occasions.
- d) The Plaintiff was unable to work for a period of approximately 2 months.
- e) The Plaintiff is placed at a disadvantage on the labour market as lifting weight is difficult and painful for her.

PARTICULARS OF SPECIFIC DAMAGES

Medical Expenses	CI\$578.50
Vehicle (cost to repair \$3,674.00 less sale price \$1,000.00)	CI\$2,674.00
Loss of Earnings CI\$950.00 per week for 8 weeks	CI\$7,600.00

AND THE PLAINTIFF CLAIMS:

- 1) General Damages
- 2) Further and/or other relief
- 3) Pre and Post Judgement Interest pursuant to section 34 of the Judicature Law (1995 Revision) and Judgment Debt (Rate of Interest) Rules of 8% per annum.
- 4) Costs

Dated this 23rd day of October, 2000

Charles Adams Ritchie Duckworth
Charles Adams, Ritchie & Duckworth
Attorneys-at-Law for the Plaintiff

This Statement of Claim is filed by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law for the Plaintiff herein whose address for service is Zephyr House, Mary Street, P.O. Box 709 G, George Town, Grand Cayman.