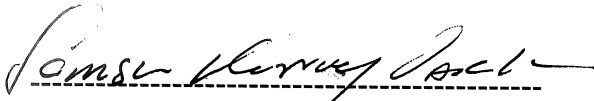




**ENDORSEMENT**

The Plaintiff claims to recover damages for personal injuries and property damage against the Defendants consequent on a road accident on the 10<sup>th</sup> day of June 1998 at Frank Sound Drive, Northside, Grand Cayman in that the Second Defendant negligently drove and operated Ford Taurus Motor Vehicle # 57 157, the said vehicle being owned by the First Defendant, along the said Frank Sound Road by driving the same around a bend on the wrong side of the said road and thereby causing the same to violently collide with Honda Integra motor car #67 362 being driven by the Plaintiff who suffered injuries and damages as a result.

Dated this 29<sup>th</sup> day of January 2001



Samson Murray Jackson  
Attorneys-at-Law for the Plaintiff

THIS WRIT was issued by Samson Murray Jackson, Attorneys-at-Law for and on behalf of the Plaintiff whose address for service is that of his said Attorneys-at-Law, The Ground Floor (West Wing) Sigma Building, Smith/Hospital Roads, George Town, Grand Cayman.

Acknowledgment of service of writ of summons (O.12, r.3)

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. 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 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 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 instalments 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 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. OF2001**

**BETWEEN            EVERETT McALLEN SMITH            PLAINTIFF**  
**AND                    HERTZ RENT A CAR                            1<sup>st</sup> DEFENDANT**  
**AND                    CORY STRANDER                                2<sup>nd</sup> 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. State the name of the Defendant by whom or on whose behalf the service of this Writ is being acknowledged.

---

2. State whether the Defendant intends to contest the proceedings (tick the 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 judgement entered by the Plaintiff (tick box).

yes

---

Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

***Please complete overleaf***

***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 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 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:*

***Samson Murray Jackson  
PO Box 10067 APO, Grand Cayman  
Ground Floor, (West Wing), Sigma Bldg.  
Hospital/Smith Roads  
George Town, Grand Cayman***

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

***IN THE GRAND COURT OF THE CAYMAN ISLANDS***

***CAUSE NO. OF2001***

***BETWEEN EVERETT McALLEN SMITH PLAINTIFF***  
***AND HERTZ RENT A CAR 1<sup>st</sup> DEFENDANT***  
***AND CORY STRANDER 2<sup>nd</sup> DEFENDANT***

***STATEMENT OF CLAIM***

1. The Plaintiff is a Police Constable in the Royal Cayman Islands Police Force and a resident of Northside, Grand Cayman, Cayman Islands and was at all material times the driver of Honda Integra Motor Car licensed #57 157
2. The First Defendant was at all material times the owner of Ford Taurus motor car licensed # 57 157 and is a business entity engaged in the rental of motor vehicles to persons on the Grand Cayman Island for a fee.
3. The Second Defendant was at all material times a customer of the Second Defendant and the driver of the First Defendants aforesaid motor vehicle.
4. On the 10<sup>th</sup> day of June 1998 the Plaintiff was driving his aforesaid motor car along the Frank Sound Road in the vicinity of premises numbered #1639 Frank Sound Drive when the Second Defendant so negligently drove the First Defendants aforesaid motor car on the wrong lane in the road that he caused the same to violently collide with the Plaintiff's said motor-car.

***Particulars of Negligence***

- (a) Driving at an excessive speed in the circumstances.
- (b) Driving onto the wrong side of the road and there colliding with the Plaintiff.
- (c) Failing to keep any or any proper lookout or to have any or any sufficient regard for other traffic, particularly on-coming traffic, on the road.
- (d) Driving around a bend in the road on the wrong side of the road.
- (e) Failing to stop, to slow down, to swerve or in any other way so to manage or control the said Ford Taurus motorcar so as to avoid the collision.

5. By reason of these matters, the Plaintiff sustained injuries and has suffered loss and damage.

**Particulars of Injuries**

- (a) Left tibia and ankle plafond fracture;
- (b) undisplaced fracture of the nose;
- (c) laceration to bridge of nose;
- (d) bruising to anterior of chest;
- (e) bruising to anterior of shoulder;
- (f) cranial cerebral injury;
- (g) fracture of the left fibula

**Particulars of Special Damages**

(a)	Costs of medical reports	CI\$500.00
(b)	Cost of Traffic Accident Report	CI\$ 75.00
(c)	Cost of Vehicle Appraisers Report	<u>CI\$150.00</u>
		CI\$725.00

**AND THE PLAINTIFF CLAIMS**

- (a) General Damages
- (b) Special Damages
- (c) Interest upon the said damages pursuant to the Judicature Law and the Judgment Debts (Rates of Interest) Rules at the prescribed rate of 7 3/8% or at such other rate as may be prescribed or as this Honourable Court deems just from the date of issuance of these proceedings.
- (d) Costs
- (e) Such further and other relief as this Honourable Court deems just.



Samson Murray Jackson  
Attorneys-at-Law for the Plaintiff

TO: The Clerk of the Courts  
AND TO: Hertz Rent A Car  
AND TO: Cory Strander

THIS WRIT was issued by Samson Murray Jackson, Attorneys-at-Law for and on behalf of the Plaintiff whose address for service is that of his said Attorneys-at-Law, The Ground Floor (West Wing) Sigma Building, Smith/Hospital Roads, George Town, Grand Cayman.