

IN THE GRAND COURT OF THE CAYMAN ISLANDS

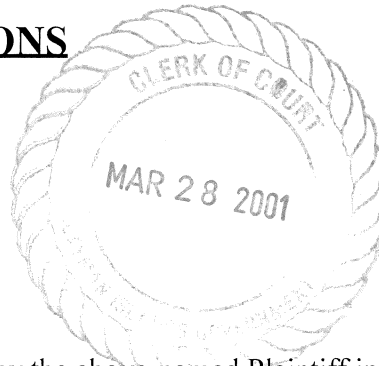
183  
CAUSE NO. OF 2001

**BETWEEN:** ALDEAN JACOB PLAINTIFF

**AND:** TONY OCHREM DEFENDANT

**WRIT OF SUMMONS**

TO: TONY OCHREM of  
25800 Belladonna  
Southlyon  
Michigan 48178  
U.S.A.



**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 Acknowledge 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 March, 2001.

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 acknowledgement of Service are given with the accompanying form.

### **STATEMENT OF CLAIM**

1. On the 29th day of March, 1998 the Plaintiff was driving her Dodge Dynasty motor vehicle registration number 34712 in a northerly direction along North Church Street when her vehicle was hit from behind by a Toyota Tercel motor vehicle registration number 52678 being driven by the Defendant.
2. The said collision was caused by the Defendant's negligence and or breach of statutory duty under Sections 52 and 55 of the Traffic Law (Revised).

### **PARTICULARS**

- (a) Failing to drive in such manner to have full control of his vehicle at all times.
  - (b) Failing to keep a proper look out and or to heed the presence of the Plaintiff.
  - (c) Driving of an excessive speed.
  - (d) Failing to drive at a safe and proper distance behind the Plaintiff's vehicle.
  - (e) Failing to apply his brakes in time or at all and or to steer or control his vehicle so as to avoid the said collision.
  - (f) Failing to exercise due care and attention when using the road and/or to have proper and safe sufficient regard for the safety of other road users.
3. By reason of the Defendant's said negligence and/or breach of duty the Plaintiff has suffered personal injury, pain and suffering, and other loss and damage.

### **PARTICULARS OF INJURY**

- (a) Acute post traumatic cervicothoracic myofascial pain syndrome.
- (b) Acute post traumatic lumbosacral myofascial pain syndrome.
- (c) Acute post traumatic headache syndrome.
- (d) Post traumatic vertigo.
- (e) Acute right lumbar radiculopathy (L5-S1 distribution).
- (f) Possible right cervical radiculopathy.
- (g) Acute right shoulder sprain.
- (h) The Plaintiff still continues to experience pain and suffering and has permanent nerve damage and loss of amenity.

**PARTICULARS OF SPECIAL DAMAGES**

	CI\$
(1) Traffic Accident Report.	75.00
(2) Loss of Earnings 4 weeks at CI\$452.80 per week	1,811.20
(3) Cost of Airfares to and from U.S.A. to attend the Florida Spine Institute (i) 4 round trips for Aldean Jacob (ii) 1 round trip for son Richard Jacob Total CI\$243.54 (US\$297.00) + CI\$487.08 (US\$594.00) + CI\$230.83 (US\$281.50) + CI\$243.54 (US\$297.00) = (US\$1,469.50)	1,204.99
(4) Medical Expenses	
(i) <u>Physical and Occupational Therapy Department,</u> <u>Professional Medical Centre.</u> 2nd April, 1998	75.00
3rd April, 1998	100.00
(ii) <u>Cayman Islands Health Services Department</u> 29th March, 1998	285.00
30th March, 1998	7.00
9th April, 1998	35.00
(iii) <u>Florida Spine Institute</u> 13th April, 1998 - 12th August, 1998 (US\$6,444.00)	5,284.08
<b>Grand Total (US\$10,825.94)</b>	<b><u>CI\$8,877.27</u></b>

4. The Defendant is liable to the Plaintiff for the damages which she has suffered.

AND THE PLAINTIFF claims:

- (a) Special Damages;
- (b) General Damages;
- (c) Interest in accordance with Section 34(1) of the Judicature Law (1995 Revision);
- (d) Costs.

C.S. Gill & Co.

**C.S. GILL & CO.**

Attorneys-at-Law for the Plaintiff

TO: *TONY OCHREM of*  
*25800 Belladonna*  
*Southlyon*  
*Michigan 48178*  
*U.S.A.*

THIS WRIT OF SUMMONS was issued by C.S. Gill & Co, Attorneys-at-Law, whose address for service is 4th Floor, Genesis Building, P.O. Box 945, George Town, Grand Cayman, B.W.I.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

183  
CAUSE NO. OF 2001

BETWEEN: ALDEAN JACOB PLAINTIFF

AND: TONY OCHREM 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 of Summons 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

[Defendant in person]

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 if suing in person) of his name, address and reference, if any, in the box below.*

C.S.GILL & CO  
PO Box 945  
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.*

[Empty box for defendant's attorney indorsement]

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE  
OF WRIT OF SUMMONS**

1. The accompanying form of *Acknowledgement 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 Acknowledgement 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 the guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.