

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 447 OF 2001

BETWEEN CORVIN FORBES PLAINTIFF
AND CARDINAL DaCOSTA DEFENDANT

WRIT OF SUMMONS

TO: CARDINAL DaCOSTA
c/o Puritan Cleaners
337 Eastern Avenue
George Town, Grand Cayman

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 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 495G, George Town, Grand Cayman, the accompanying Acknowledgement of Service, stating therein whether you intend to contest these proceedings.

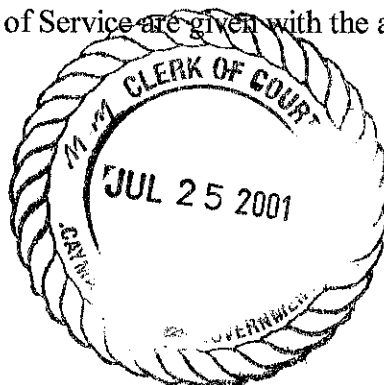
If you fail to satisfy the claim or return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.

Issued this day of 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

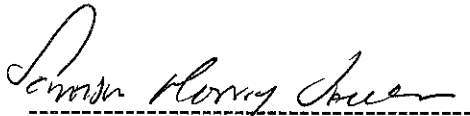
Directions for Acknowledgement of Service are given with the accompanying form.



Endorsement

The Plaintiff claims against the Defendant to recover damages in that on or about the 19th day of July 1999 the Defendant so negligently drove and operated his Toyota Avalon motor car, bearing license number 60 751, along Dorcy Drive, George Town, Grand Cayman, in the vicinity of the said Dorcy Drive and Owen Roberts Drive, that he caused the same to collide with the Plaintiff's Honda Integra motor car, bearing license number 75 107 and thereby cause damage and loss to the Plaintiff.

Dated the 16th day of July 2001



Samson Murray Jackson
Attorneys-at-Law for the Plaintiff

THIS WRIT was issued by Samson Murray Jackson, Attorneys-at-Law for the Plaintiff, whose address for service is that of his said Attorneys-at-Law, The Ground Floor (West Wing) Sigma Building, 93 Hospital Road, George Town, Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 447 OF 2001

BETWEEN CORVIN FORBES PLAINTIFF

AND CARDINAL DaCOSTA DEFENDANT

STATEMENT OF CLAIM

1. The Plaintiff was at all material times the driver and owner of Honda Integra motor vehicle bearing license number 75 107.
2. The Defendant was at all material times the owner and driver of Toyota Avalon motor vehicle bearing license number 60 751.
3. On or about the 19th day of July 1999 the Plaintiff was driving his aforesaid motor-car along Dorcy Drive, in the vicinity of the junction of the said road and Owen Roberts Drive, George Town, Grand Cayman in a southerly direction when the Defendant so negligently, managed and controlled his aforesaid motor car along the said road in the opposite direction that he caused or permitted the same to violently collide with the Plaintiff's aforesaid motor-car.

Particulars of Negligence

- (a) Driving at an excessive speed in the circumstances;
- (b) Driving or attempting to drive his motor-vehicle across the path of the Plaintiff;
- (c) Turning or attempting to turn from the said Dorcy Drive onto Owen Roberts Drive across the path of the Plaintiff when it was unsafe and dangerous so to do.
- (d) Failing to stop or to wait in the said road until the Plaintiff passed him in safety before turning or attempting to turn to his right.
- (e) Failing to see the Plaintiff in sufficient time to avoid crossing or attempting to cross his path or at all.
- (f) Failing to give any or any sufficient or timely warning or signal of his intention to turn across the path of the Plaintiff.
- (g) Failing to keep any or any proper look-out or to have any or any sufficient regard for other traffic, particularly on-coming traffic, on the said road.
- (h) Failing to have or to keep any or any proper control of his said motor car.
- (i) Failing to stop, to slow down, to swerve or in any other way so to manage or control his said motor car as to avoid the said collision.

4. By reason of the matters aforesaid the Plaintiff has suffered loss and damage.

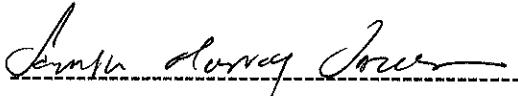
Particulars of Special Damages

(a)	Cost of Traffic Accident Report	CI\$ 75.00
(b)	Cost of Repairs	<u>CI\$3,881.00</u>
		CI\$3,956.00

AND THE PLAINTIFF CLAIMS:

1. The sum of CI\$3,956.00;
2. Interest thereon from the 19th July 1999 at the rate of 8 3/8% per annum;
3. Costs.

Dated this 25 day of July 2001



Samson Murray Jackson
Plaintiff's Attorneys-at-Law

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.

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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
The Ground Floor (West Wing) Sigma Building
93 Hospital Road, George Town, Grand Cayman
PO Box 10067 APO, 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: