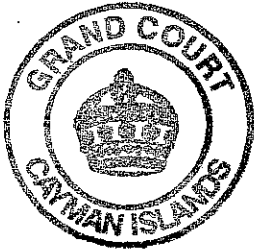


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO.46 | OF 2001

BETWEEN: ANTHONY PARSONS PLAINTIFF

AND: (1) DAWN LAMBERON-WELCH DEFENDANT  
(2) SEAN WELCH



WRIT OF SUMMONS



To: Dawn Lamberon-Welch and Sean Welch  
Road 3, P O Box 175  
Bedford, Pennsylvania, 15522  
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, 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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 27<sup>th</sup> day of July 2001.

NOTE – This Writ may not be served later than 4 calendar months (of, 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. The Plaintiff is a Caymanian and resides in West Bay Grand Cayman.
2. The Defendants are citizens of the United States of America and were visitors to the Island on or about 4<sup>th</sup> July 2000. This Court has jurisdiction over the Defendants pursuant to Order 11 Rule 1(f) of the Grand Court Rules.
3. On or about 4<sup>th</sup> July 2000 at approximately 3:15pm the Plaintiff was driving his GMC Sierra Truck registration number 70051 in a northerly direction along West Bay Road, Grand Cayman in the vicinity of Aqua Bay Club condominiums. Upon reaching the entrance to Aqua-Bay Club a Hyundai Elantra-motor vehicle registration number 57874 being driven by the First Defendant entered into West Bay Road into the path of the Plaintiff's vehicle causing a collision
4. The said collision was caused by the First Defendant's negligence and or breach of statutory duty under Sections 59 and 60 of the Traffic Law (1999 Revision)

**PARTICULARS**

5. The First Defendant was negligent and is guilty of breaches of the said statutory duties by:
  - (a) failing to exercise due care and attention when using the road and failing to having due regard for the safety and comfort of other road users such as the Plaintiff;

- (b) failing to give the right of way to the Plaintiff before entering on to the main road;
  - (c) failing to keep a proper look out and or heed the presence of the Plaintiff
6. At the time of the said accident the Second Defendant had rented the Hyundai Elantra motor vehicle being driven by the First Defendant from Economy Car Rentals, Grand Cayman. The Second Defendant was the sole authorised driver of said vehicle. In breach of his statutory duties under Section 21 (2) of the Traffic Law (1999 Revision) and Section 3 (1) of the Motor Vehicle Insurance (Third Party Risks) Law (1997 Revision) he caused or permitted the First Defendant to use the said Hyundai Elantra motor without insurance.
7. By reason of the Defendants negligence and or breach of duty, the Plaintiff has suffered loss and damage

**PARTICULARS OF SPECIAL DAMAGE**

Damage to Plaintiff's Vehicle	CI\$11,268.43
Policy Excess	250.00
Loss Adjustors Report	125.00
Police Report	75.00
Towing	100.00
Loss of Use	<u>1144.10</u>
TOTAL	CI\$12,962.53
	US\$15,807.96

8. The Plaintiff claims interest pursuant to Section 34(1) of the Judicature Law (1995 Revision) at the prescribed rate for such periods as the Court thinks fit.

**AND THE PLAINTIFF CLAIMS**

- (i) Special damages of CI\$12,962.53 or US\$15,807.96.
- (ii) Interest pursuant to Section 34 (1) of the Judicature Law (1995 Revision).
- (iii) Costs.

Dated this 27<sup>th</sup> day of July 2001.



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C.S. GILL & CO.

Attorneys-at-Law for the Plaintiff

Writ of Summons was filed by C.S. Gill & Co., Attorneys-at-Law for the Plaintiff herein whose address for service is 4<sup>th</sup> Floor Genesis Building, PO Box 945 GT, Grand Cayman, Cayman Islands, BWI