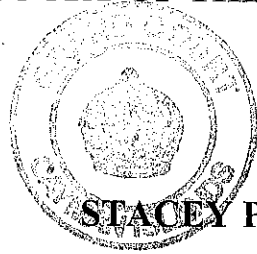


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 672 OF 2001

BETWEEN:

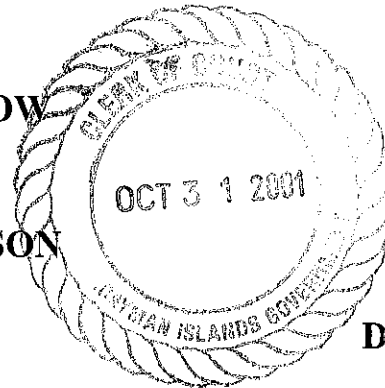


STACEY PELLOW

PLAINTIFF

AND:

ERIC M. JACKSON



DEFENDANT

WRIT OF SUMMONS

TO: Eric M. Jackson, of Hurst Road, Newlands, Savannah, Grand Cayman, Cayman Islands.

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claims set out on the following pages.

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

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein any 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 31st day of October, 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 that date unless renewed by order of the Court.

IMPORTANT

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

STATEMENT OF CLAIM

1. The Plaintiff of P.O. Box 10647 APO, resides at 133 Glade Drive, West Bay, Grand Cayman, Cayman Islands.
2. The Defendant resides at Hurst Road, Newlands, Savannah, Grand Cayman, Cayman Islands.
3. On Monday, July 31st, 2000 at approximately 5:00 p.m., the Plaintiff was driving her motor vehicle, a Ford Aerostar, bearing licence number 76697 ("the Plaintiff's Vehicle"), on Red Bay Road heading towards George Town, when shortly before the Old Crewe Road junction, a motor vehicle driven by the Defendant, a Kenworth Dump Truck, bearing licence number 77789 ("the Defendant's vehicle"), crashed into the back of the Plaintiff's vehicle. The Plaintiff's vehicle was stationary at the moment of the collision as the Plaintiff had applied her brakes firmly when the vehicle in front of her had also braked sharply.
4. The Defendant was the registered owner of the Defendant's Vehicle.
5. The damage was caused to the Plaintiff's Vehicle as a result of the collision described in paragraph 3 hereof ("the collision").
6. The Plaintiff, who was wearing her seatbelt, sustained injuries as a result of the collision.
7. The Defendant was wholly responsible for the collision and was on September 8th, 2000 sent by the Royal Cayman Islands' Police a written warning letter for careless driving.
8. The damages to the Plaintiff's Vehicle and the injuries to the Plaintiff were caused by the Defendant's negligence.

PARTICULARS OF NEGLIGENCE

- (1) Failing to keep any or any proper lookout and/or to observe in time the Plaintiff's braking vehicle.
 - (2) Driving too fast.
 - (3) Failing to apply his brakes in time or at all and/or so steer or control his vehicle to avoid the collision.
 - (4) Driving too close to the vehicle in front.
 - (5) Driving his motor vehicle into the Plaintiff's motor vehicle which had stopped.
9. By reason of the Defendant's said negligence, the Plaintiff has sustained severe personal injuries and has suffered loss and damage.

PARTICULARS OF INJURIES

10. The Plaintiff who was born on October 1st, 1962 and was age 38 years at the time of the accident, suffered as a result of the collision, whiplash injuries. The Plaintiff suffers from Fibromyalgia which worsens injuries so as a result she was taken to the hospital after the collision. She suffered after the collision and as a result thereof considerable pain and discomfort and underwent physiotherapy from August 14th, 2000 to September 7th, 2000. The Plaintiff was mostly immobile for the first two to three months following the collision and since then has undergone physiotherapy and massage therapy. The Plaintiff was on pain medications and muscle relaxants from the date of the accident until to present.

11. The Plaintiff is a housewife, with three children ages 11, 13 and 15. As a result of the accident the Plaintiff is unable to do prolonged work/activities that affect the neck/spine and shoulders such as housework, driving and personal grooming.
12. The Plaintiff's vehicle has not yet been repaired and the estimated cost of repairs is CI\$846.00.
13. By reason of the damage to the Plaintiff's Vehicle and to the Plaintiff's injuries, the Plaintiff has sustained loss and damage.

PARTICULARS OF SPECIAL DAMAGES

| | | |
|-----|---|-------------|
| (1) | July 31, 2000, Co-Dydramol 500 mg/10 mg Tablets Acetaminophen/Dihydrocodeine 500 mg/ 10 mg Tablets | CI\$ 6.20 |
| (2) | July 31 st , 2000, Disipal 50 mg & Orphenadrine HCL 50 mg Tablets | CI\$ 5.80 |
| (3) | August 1, 2000, Co-Dydramol 500 mg/10 mg Tablets Acetaminophen/Dihydrocodeine 500 mg/ 10 mg Tablets | CI\$ 7.00 |
| (4) | August 4 th , 2000, Disipal 50 mg & Orphenadrine HCL 50 mg Tablets | CI\$ 6.34 |
| (5) | August 6 th , 2000, Co-Dydramol 500 mg/10 mg Tablets Acetaminophen/Dihydrocodeine 500 mg/ 10 mg Tablets | CI\$ 7.00 |
| (6) | August 14 th , 2000, Co-Dydramol 500 mg/10 mg Tablets | CI\$ 8.00 |
| (7) | August 14 th , 2000, Vioxx 25 mg & Refecoxib 25 mg Tablets | CI\$ 51.60 |
| (8) | August 14 th , 2000, CTMH – Out Patient Visit | CI\$ 100.00 |

- (9) August 17th, 2000, CTMH – Physiotherapy – Evaluation, Massage Therapy, Ultrasound, Hot/Cold Packs & Electrical Stimulation CI\$ 290.00
- (10) August 21st, 2000, A535 Rub Ice CI\$ 3.17
- (11) August 27th, 2000, Co-Dydramol 500 mg/10 mg Tablets & Acetaminophen/Dihydrocodeine 500 mg/ 10 mg Tablets CI\$ 8.00
- (12) August 28th, 2000, CTMH – Physiotherapy – Massage Therapy, Therapeutic Exercises, Ultrasound, Hot/Cold Packs & Electrical Stimulation CI\$ 420.00
- (13) August 31st, 2000, CTMH – Physiotherapy – Massage Therapy, Therapeutic Exercises, Ultrasound, Hot/Cold Packs & Electrical Stimulation CI\$ 190.00
- (14) September 4th, 2000, Co-Dydramol 500 mg/10 mg Tablets & Acetaminophen/Dihydrocodeine 500 mg/ 10 mg Tablets CI\$ 8.00
- (15) September 5th, 2000, Body Works – Therapeutic Massages for Pain Relief (August 8th, 15th, 22nd, 29th, September 5th & 11th, 2000) CI\$ 390.00
- (16) September 9th, 2000, CTMH – Physiotherapy – Myofascial Release/Soft, Massage Therapy, Ultrasound, Hot/Cold Packs & Electrical Stimulation CI\$ 135.00
- (17) September 11th, 2000, Tylenol w/Codeine, Codeine Phosphate/APAP/Caffeine Tablets CI\$ 10.90
- (18) September 20th, 2000, Voltarol Emugel Diclofenac Gel CI\$ 11.94
- (19) September 20th, 2000, CTMH – Out Patient Visit CI\$ 75.00
- (20) November 1st, 2000, Tylenol w/Codeine, Codeine Phosphate/APAP/Caffeine Tablets CI\$ 6.76

| | | |
|------|--|-------------|
| (21) | November 1 st , 2000, CTMH – EST PT OV/Level 4 | CI\$ 48.00 |
| (22) | November 1 st , 2000, CTMH – Culture and Sensitivity | CI\$ 24.00 |
| (23) | November 15 th , 2000, CTMH – Out Patient Visit | CI\$ 70.00 |
| (24) | November 15 th , 2000, CTMH – X-Ray of Neck/Spine | CI\$ 100.00 |
| (25) | November 23 rd , 2000, Tylenol w/Codeine, Codeine Phosphate/APAP/Caffeine Tablets | CI\$ 11.08 |
| (26) | November 24 th , 2000, Apo-Amitriptyline 10 mg & Amitriptyline HCL 10 mg Tablets | CI\$ 5.24 |
| (27) | November 24 th , 2000, Valium Roche 5 mg/ML & Diazepam 5 mg/ML Ampul | CI\$ 7.67 |
| (28) | November 24 th , 2000, CTMH – Out Patient Visit | CI\$ 42.00 |
| (29) | November 24 th , 2000, CTMH – INJ Tendon/Ligament/Cyst | CI\$ 42.00 |
| (30) | November 24 th , 2000, CTMH – Kenalog 40 mg | CI\$ 10.00 |
| (31) | November 25 th , 2000, Novo-Dipam 5 mg & Diazepam 5 mg Tablets | CI\$ 5.24 |
| (32) | November 25 th , 2000, Novo-Dipam 2 mg & Diazepam 2 mg Tablets | CI\$ 5.22 |
| (33) | November 28 th , 2000, Body Works – Therapeutic Massages (October 3 rd , 10 th , 16 th , 23 rd , 31 st , November 6 th , 14 th , 20 th & 27 th , 2000) | CI\$ 585.00 |
| (34) | December 6 th , 2000, Tylenol w/Codeine, Codeine Phosphate/APAP/Caffeine Tablets | CI\$ 8.54 |
| (35) | December 22 nd , 2000, Apo-Amitriptyline 10 mg & Amitriptyline HCL 10 mg Tablets | CI\$ 6.58 |
| (36) | December 22 nd , 2000, Tylenol w/Codeine, Codeine Phosphate/APAP/Caffeine Tablets | CI\$ 11.08 |

| | | |
|------|--|--------------|
| (37) | December 22 nd , 2000, Novo Dipam 2 mg & Diazepam 2mg Tablets | CIS\$ 6.55 |
| (38) | December 27 th , 2000, APO Diazepam 5 mg & Diazepam 5mg Tablets | CIS\$ 5.60 |
| (39) | January 15 th , 2001, Body Works – Therapeutic Massages (December 7 th , 12 th , 19 th , 27 th and 29 th , 2000) | CIS\$ 325.00 |
| (40) | January 20 th , 2001, Tylenol w/Codeine, Codeine Phosphate/APAP/Caffeine Tablets | CIS\$ 64.80 |
| (41) | January 22, 2001, Novo-Docusate Calcium 240 mg Capsules | CIS\$ 10.20 |
| (42) | February 12 th , 2001, Tylenol w/Codeine, Codeine Phosphate/APAP/Caffeine Tablets | CIS\$ 64.80 |
| (43) | February 15 th , 2001, Body Works – Therapeutic Massages for Pain Relief (January 3 rd , 6 th , 8 th , 12 th , 15 th , 19 th , 22 nd , 24 th , 26 th , 29 th and 31 st , 2001) | CIS\$ 715.00 |
| (44) | February 15 th , 2001, Cayman Orthopaedic Group – Consultation | CIS\$ 64.00 |
| (45) | February 15 th , 2001, Cayman Medical & Surgical Group - Consultation | CIS\$ 185.00 |
| (46) | February 15 th , 2001, Neurontin 100 mg & Gabapentin 100 mg Capsules | CIS\$ 39.80 |
| (47) | February 15 th , 2001, Neurontin 300 mg & Gabapentin 300 mg Capsules | CIS\$ 65.75 |
| (48) | February 21 st , 2001, Tylenol w/Codéine, Codeine Phosphate/APAP/Caffeine Tablets | CIS\$ 27.00 |
| (49) | March 3 rd , 2001, Body Works – Therapeutic Pillow (Neck) | CIS\$ 80.00 |

| | | |
|------|---|--------------|
| (50) | March 10 th , 2001, Neurontin 300 mg & Gabapentin 300 mg Capsules | CIS 65.75 |
| (51) | March 10 th , 2001, Tylenol w/Codeine, Codeine Phosphate/APAP/Caffeine Tablets | CIS 27.00 |
| (52) | March 22 nd , 2001, Neurontin 300 mg & Gabapentin 300 mg Capsules | CIS 65.75 |
| (53) | March 23 rd , 2001, Cayman Medical & Surgical Centre - Whiplash Consultation | CIS 100.00 |
| (54) | April 5 th , 2001, Spa-To-Go Massage Therapy (February 27 th , March 1 st , 5 th , 8 th , 22 nd , 26 th , 29 th and April 2 nd and 5 th , 2001) | CIS 585.00 |
| (55) | April 6 th , 2001, Neurontin 300 mg & Gabapentin 300 mg Capsules | CIS 156.52 |
| (56) | April 6 th , 2001, Tylenol w/Codeine, Codeine Phosphate APAP/Caffeine Tablets | CIS 27.00 |
| (57) | May 31 st , 2001, Spa-To-Go – Massage Therapy (April 10 th , 12 th , 16 th , 19 th , 23 rd , 26 th , 30 th , May 3 rd , 7 th , 10 th , 14 th , 17 th , 21 st , 24 th , 28 th , 30 th , 2001) | CIS 1,040.00 |
| (58) | June 1 st , 2001, Tylenol w/Codeine, Codeine Phosphate APAP/Caffeine Tablets | CIS 27.00 |
| (59) | June 8 th , 2001, Cayman Medical & Surgical Centre – Diagnostic | CIS 1,500.00 |
| (60) | August 2001, Spa-To-Go – Massage Therapy June 4 th , 6 th , 11 th , 14 th , 20 th , 28 th , July 26 th , 30 th , August 2 nd , 27 th , 2001 | CIS 1,105.00 |
| (61) | June 27 th , 2001, Neurontin 300 mg, Gabapentin 300 mg Capsules | CIS 156.52 |

| | | |
|------|--|---------------|
| (62) | July 17 th , 2001, Tavistock Massage & Natural Therapies Massage Therapy | CIS\$ 53.50 |
| (63) | July 25 th , 2001, Tavistock Massage & Natural Therapies Massage Therapy | CIS\$ 53.50 |
| (64) | August 1 st , 2001, Tylenol w/Codeine Phosphate APAP/Caffeine Tablets | CIS\$ 5.40 |
| (65) | August 30 th , 2001, CTMH -- Contrast CAT Scans of Head | CIS\$1,015.00 |
| (66) | August 31 st , 2001, Under the Palms, Massage Therapy | CIS\$ 70.00 |
| (67) | September 3 rd , 2001, Under the Palms, Massage Therapy | CIS\$ 70.00 |
| (68) | September 7 th , 2001, Under the Palms, Massage Therapy | CIS\$ 70.00 |
| (69) | September 4 th , 2001, Neurontin 300 mg, Gabapentin 300 mg Capsules | CIS\$ 165.00 |
| (70) | September 10 th , 2001, Under the Palms, Massage Therapy | CIS\$ 70.00 |
| (71) | September 13 th , 2001, Under the Palms, Massage Therapy | CIS\$ 70.00 |
| (72) | September 17 th , 2001, Under the Palms, Massage Therapy | CIS\$ 70.00 |
| (73) | September 20 th , 2001, Under the Palms, Massage Therapy | CIS\$ 70.00 |
| (74) | September 24 th , 2001, Under the Palms, Massage Therapy | CIS\$ 70.00 |
| (75) | September 27 th , 2001, Under the Palms, Massage Therapy | CIS\$ 70.00 |
| (76) | October 2 nd , 2001, Under the Palms, Massage Therapy | CIS\$ 70.00 |
| (77) | October 5 th , 2001, Under the Palms, Massage Therapy | CIS\$ 70.00 |
| (78) | October 8 th , 2001, Under the Palms, Massage Therapy | CIS\$ 70.00 |
| (79) | October 11 th , 2001, Under the Palms, Massage Therapy | CIS\$ 70.00 |
| (80) | October 14 th , 2001, Under the Palms, Massage Therapy | CIS\$ 70.00 |
| (81) | October 17 th , 2001, Tylenol w/Codeine Phosphate APAP/Caffeine Tablets | CIS\$ 26.55 |
| (82) | October 13 th , 2001, Neurontin 300 mg, Gabapentin 300 mg Capsules | CIS\$ 165.00 |

Total

CI\$11,695.35


14. The Plaintiff will require further medical treatments of massage therapy and a change in lifestyle as a result of her injuries and of the Defendant's negligence as aforesaid.
15. The Plaintiff has suffered damages for pain, suffering and loss of amenities, and the Plaintiff will continue to do so as a result of their injuries and of the Defendant's negligence as aforesaid.
16. The Defendant is liable towards the Plaintiff for the damages which she has suffered and will continue to suffer as alleged in paragraphs 9, 10, 11, 12, 13, 14 and 15 hereof.

AND THE PLAINTIFF CLAIMS FROM THE DEFENDANTS:

- (a) SPECIAL damages in the amount of CI\$11,695.35.
- (b) GENERAL damages.
- (c) PRE-JUDGMENT interest in accordance with Section 34 of *The Judicature Law* (1995 Revision).
- (d) POST-JUDGMENT interest in accordance with Section 34 of *The Judicature Law* (1995 Revision).
- (e) FURTHER and/or other relief.

(f) COSTS.

DATED this 31st day of October, 2001.


NELSON & COMPANY
Attorneys-at-Law for the Plaintiff

TO: The Clerk of the Court

AND TO: The Defendant, Eric M. Jackson

STATEMENT REGARDING INTEREST

- (i) The prescribed rates of interest on the Plaintiff's claim for special damages are 8% from July 31st, 2000 to May 31st, 2001 and 6 ¼ % thereafter.
- (ii) Although the Plaintiff's special damages were sustained between July 31st, 2000 to present, the Plaintiff has chosen a median date of January 31st, 2001 to calculate the interest thereon the entire amount thereof, a method which is more favourable to the Defendants than to them.
- (iii) The total amount of interest claimed on the Plaintiff's special damages as at October 31st, 2001 is C\$704.81.

- (iv) The amount of interest accruing each day on the Plaintiff's claim for special damages thereafter is CI\$2.05.

STATEMENT REGARDING INSURER

The insurer of the vehicle driven by the Defendant is Dyoll Insurance Co., effected through Cayman Insurance Centre Ltd., Cayman Business Park, Huldah Avenue, George Town, P.O. Box 10056 APO, Grand Cayman, Cayman Islands.

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

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 495 GT, Grand Cayman.

Notes for Guidance

1. The Defendant is required to complete an Acknowledgment of Service and return it to the Court's Office.
2. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner), you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. For the purpose of calculating the period of 14 days for acknowledging service, an originating summons served on the Defendant personally is treated as having been served on the day it was delivered to him.
4. Where the Defendant issued 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 Originating Summons".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Court's Office.

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 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.

| |
|--|
| <p><i>Nelson & Company</i> <i>4th Floor, West Wind Building</i> <i>Harbour Drive</i> <i>P.O. Box 2075</i> <i>George Town</i> <i>Grand Cayman</i></p> <p><i>Phone: 949 9710</i></p> |
|--|

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

| |
|--|
| |
|--|