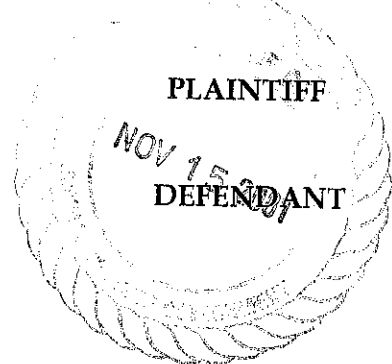


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 1712 OF 2001

BETWEEN EVERICK MCFARLANE

AND RUTH CAYASSO



WRIT OF SUMMONS

TO: RUTH CAYASSO  
Snug Harbour  
Grand Cayman  
CAYMAN ISLANDS

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 Fourteen [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 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 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 14<sup>th</sup> day of November, 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 Acknowledgment of Service are given with the accompanying form.

### INDORSEMENT OF CLAIM

The Plaintiff's claim is against the Defendant to recover damages for negligence for that on or about the 28<sup>th</sup> day of February, 1999 the Defendant so negligently drove motor vehicle bearing registration number 72950 along Shamrock Road, Lower Valley, Grand Cayman that it collided with Toyota Liteace van bearing registration number 69 096 which was being driven by the Plaintiff as a consequence of which the Plaintiff has suffered personal injury, loss and damage.

And the Plaintiff claims:

- (a) Special Damages;
- (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.


### STATEMENT REGARDING INTEREST

The Plaintiff claims interest from the 28<sup>th</sup> day of February, 1999 to the 31<sup>st</sup> day of March, 2000 at the rate of 7 7/8% per annum and from the 1<sup>st</sup> day of April, 2000 to the 31<sup>st</sup> day of May, 2001 at rate of 8% per annum and thereafter at rate of 6.25% per annum or as may be varied from time to time by the Grand Court Rules.

### STATEMENT REGARDING INSURER

The Defendant is insured by British Caymanian Insurance Company Limited, PO Box 74 GT, Grand Cayman.

DATED this 14<sup>th</sup> day of November, 2001

  
QUIN & HAMPSON  
Attorneys-at-Law for the Plaintiff

To: The Clerk of the Court

And To: RUTH CAYASSO  
Snug Harbour  
Grand Cayman  
CAYMAN ISLANDS

THIS WRIT was issued by Messrs. Quin & Hampson, Attorneys-at-Law for the Plaintiff whose address for service and correspondence is P.O. Box 1348, Third Floor, Harbour Centre, George Town, Grand Cayman, B.W.I.

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 Plaintiffs (or on the Plaintiffs 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 Plaintiffs 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 installments or otherwise.

*See over for notes for guidance*

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2001

BETWEEN EVERICK McFARLANE  
AND RUTH CAYASSO

PLAINTIFF  
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 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 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 Plaintiffs (*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 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 Plaintiffs' Attorney (or by Plaintiffs if suing in person) of his name, address and reference, if any, in the box below.*

Messrs. Quin & Hampson  
Attorneys-at-Law  
Third Floor, Harbour Centre  
P.O. Box 1348  
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.*