

Writ of Summons (O.6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLAND
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. 714 OF 2001

BETWEEN

DAVID GENERAL
DAVE KELLY

1ST PLAINTIFF
2ND PLAINTIFF

AND:

HENRY A. WOOD
CARSON BUSH

1ST DEFENDANT
2ND DEFENDANT

SPECIALLY ENDORSED WRIT OF SUMMONS

TO: DEFENDANTS: HENRY A. WOOD and CARSON BUSH c/o Motor & General Insurance Co. Ltd., PO Box 1094 GT, Grand Cayman, Cayman Islands and Cayman General Insurance Co. Ltd and Cayman General Insurance Co. Ltd, P.O. Box 2171 GT 3rd Floor Harbour Place, 103 South Church Street, George Town, Grand Cayman Cayman Islands respectively.

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 495G, 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 16 day of July 2001.

NOTE - This Writ may not be served later than 4 calendar 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.

STATEMENT OF CLAIM

1. On 12 May 1999, the 1st Plaintiff, the servant or agent of the 2nd Plaintiff was driving a motor vehicle registration number 90005 south along West Bay Road when at or near to the intersection with Snooze Lane, the 1st Defendant drove his motor vehicle registration number 55107 so negligently, from a minor road onto a major road, into the path of the oncoming traffic so that it collided with the 2nd Defendant's motor vehicle registration number 41816 or alternatively by reason of the negligence of the 2nd Defendant in the driving of his motor vehicle or alternatively by reason of the negligence of both Defendants, a collision occurred between the two motor vehicles which caused the 2nd Defendant's motor vehicle to spin out of control and collide with the 2nd Plaintiff's motor vehicle.

PARTICULARS OF NEGLIGENCE OF 1ST DEFENDANT

- (a) Driving too fast.
- (b) Driving from a minor road onto a major road without any sufficient regard for any other traffic.
- (c) Failing to see the second-named Defendant in sufficient time to avoid colliding with him or at all.
- (d) Failing to have any or any sufficient regard for the safety of the users of the road.
- (e) Failing to keep any or any proper look-out or to have any or any sufficient regard for any other traffic.
- (f) Failing to stop, to slow down, to swerve, or in any other way so to manage or control the motor-vehicle so as to avoid the collision.

PARTICULARS OF NEGLIGENCE OF 2ND DEFENDANT

- (g) Driving too fast.
- (h) Failing to see the second-named Defendant in sufficient time to avoid colliding with him or at all.
- (i) Failing to have any or any sufficient regard for the safety of the users of the road.
- (j) Failing to keep any or any proper look-out or to have any or any sufficient regard for any other traffic.
- (k) Failing to stop, to slow down, to swerve, or in any other way so to manage or control the motor-vehicle so as to avoid the collision.

2. By reason of the matters aforesaid, the Plaintiff sustained loss and damage.

PARTICULARS OF SPECIAL DAMAGE

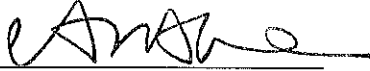
Date	Description	Costs (CIS)
12 May 1999	cost of repair	5,488.87
12 May 1999	Loss of use	13,500.00

AND the Plaintiff claims

(i) Damages

(ii) Further, pursuant to The Judicature Law (1995 Revision), the 1st and 2nd Plaintiff is entitled to and claims interest on such sums as are found to be due at such rate and for such period as the Court shall think fit.

(iii) Costs



WOODWARD TERRY & COMPANY

THIS WRIT was issued by Clyde H. Allen whose address for service is Woodward Terry & Company, Attorneys-At-Law PO Box 822 GT, West Wind Building, Harbour Drive and Fort Street, Grand Cayman, Cayman Islands, BWI.

IN THE GRAND COURT OF THE CAYMAN ISLAND
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. OF 2001

BETWEEN	DAVID GENERAL	1 ST PLAINTIFF
	DAVE KELLY	2 ND PLAINTIFF
AND:	HENRY A. WOOD	1 ST DEFENDANT
	CARSONBUSH	2 ND 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 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 a 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

Address for service: (please see overleaf)

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

C. H. Allen
Woodward Terry & Company
Attorneys-At-Law
PO Box 822 GT
West Wind Building
Harbour Drive and Fort Street
Grand Cayman
Cayman Islands

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

