



IN THE GRAND COURT OF THE CAYMAN ISLANDS

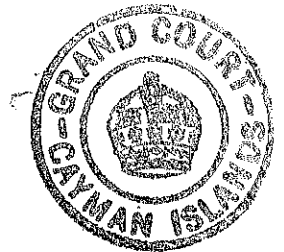
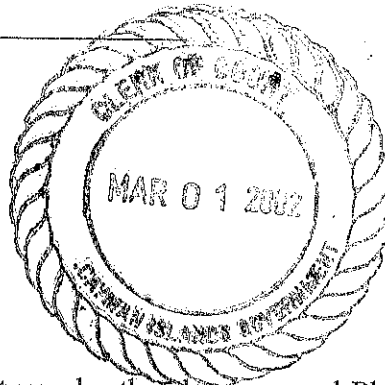
CAUSE NO. 150 OF 2002

BETWEEN: BIRTHHAM JOHNSTON PLAINTIFF

AND: JEFF EATON DEFENDANT

WRIT OF SUMMONS

**TO: Jeff Eaton
 c/o Samson Murray Jackson
 Attorneys-at-Law
 Sigma Building,
 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 the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO 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 to 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 *1st* day of *March*, 2002.

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.

STATEMENT OF CLAIM

1. The Plaintiff, is by profession, a tiler and musician. His date of birth is 6th June, 1945.
2. On 2nd January, 2001, at approximately 7.00 p.m., the Plaintiff was driving his Dodge Van, registration no. 60-799 southwards along West Bay Road, when, without warning, his vehicle was struck head on by Suzuki registration no. 49-889 driven by Jeff Eaton.
3. The aforesaid accident was caused as a result of the negligence of the Defendant.

PARTICULARS OF NEGLIGENCE

- (i) The First Defendant steered his vehicle into the path of the Plaintiff's vehicle.
 - (ii) The Plaintiff failed to control his vehicle so as to avoid a collision with the Plaintiff's vehicle.
 - (iii) The First Defendant failed to pay sufficient or any attention so as to avoid the collision with the Plaintiff's vehicle.
4. As a result of aforesaid negligence on the part of the First Defendant the Plaintiff has suffered personal injuries, loss and damage.

PARTICULARS OF INJURIES

The Plaintiff has suffered three herniated discs at C5, C6 and C6/7 a partial tear distal anterior supraspinatous tendon with subsequent impingement syndrome with a rotator cuff tear right shoulder and a broken nose.

PARTICULARS OF SPECIAL DAMAGES

Since the date of aforementioned accident, the Plaintiff's ability to work as a tiler/musician has been severely impaired and as a result the Plaintiff has suffered loss of earnings and other expenses associated with his injuries and treatment to them. Full particulars of such items will be provided on discovery.

5. The Plaintiff claims interest on the aforementioned general and special damages at 7% from 2nd January, 2001 to 31st May, 2001 and at 6¼% from 1st June, 2001 until judgment or sooner payment subject to variation by the Grand Court Rules from time to time.

AND THE PLAINTIFFS CLAIMS:-

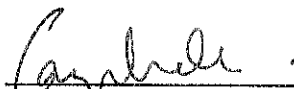
1. General damages for personal injuries.

2. Special general damages for loss of earnings and his expenses associated with the aforementioned personal injuries.
3. Interest at 7% from 2nd January, 2001 to 31st May, 2001 and at 6¼% from 1st June, 2001 until judgment or sooner payment subject to variation by the Grand Court Rules from time to time.
4. Costs.

STATEMENT REGARDING INSURER

The Defendant is insured by Cayman General Insurance Co. Ltd., Third Floor Harbour Place, 103 South Church Street, P.O. Box 2171, George Town, Grand Cayman.

Dated this 1st day of March, 2002



CAMPBELLS

Attorneys-at-Law for the Plaintiff

To: The Clerk of the Court

And to: Jeff Eaton
c/o Samson Murray Jackson
Attorneys-at-Law
Sigma Building,
George Town,
Grand Cayman.

THIS WRIT OF SUMMONS is filed by Messrs. Campbells attorneys-at-law for the Plaintiff whose address for service is of Fourth Floor, Bank of Nova Scotia Building, George Town, Grand Cayman.

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 495, 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 installments or otherwise.

See over for notes for guidance

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 his 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 150 OF 2002

BETWEEN: BIRTHHAM JOHNSTON

PLAINTIFF

AND: JEFF EATON

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 the Defendants whereby they 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 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 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.

Messrs. Campbells
Attorneys-at-Law
Fourth Floor,
Bank of Nova Scotia Building,
P.O. Box 884,
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.

