



### **INDORSEMENT OF CLAIM**

The Plaintiff's claim is against the Defendant to recover damages for negligence for that on or about the 23<sup>rd</sup> date of August, 1999 the Defendant so negligently drove a motor vehicle bearing registration number 33035 along West Bay Road, Grand Cayman that it collided with a Chevrolet Cavalier registration number 65352 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 23<sup>rd</sup> day of August, 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 the rate of 8% per annum and thereafter at the 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 Colin Luke and Associates (Insurance) Company Limited, PO Box 144 GT, Grand Cayman

Dated this 8<sup>th</sup> day of April, 2002



\_\_\_\_\_  
C.S. GILL & CO.  
Attorneys-at-Law for the Plaintiff

To: The Clerk of the Court

And To: Hervin McNeish  
Watercourse Road  
West Bay  
Grand Cayman  
CAYMAN ISLANDS

This WRITE OF SUMMONS was issued by C.S. Gill & Co., Attorneys-at-Law for the Plaintiff whose address for service and correspondence is 4<sup>th</sup> Floor Genesis Building, P.O. Box 945 GT, Grand Cayman, Cayman Islands, B.W.I.

BETWEEN: ROBERT WILSON PLAINTIFF

- and -

HERVIN McNEISH 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.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

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2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)  
 yes  no

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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

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Service of the Writ is acknowledged accordingly

(Signed)

[Attorney] for

[Defendant in person]

Address for service:

**Please complete overleaf**

**Notes on address for service**

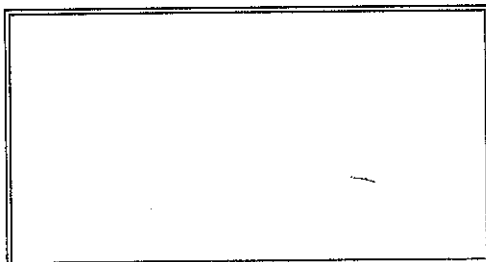
Attorney: Where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

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.*

C.S. GILL & CO.  
4th Floor Genesis Building  
PO Box 945  
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.*



## 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, PO Box 495G, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 endorsed 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 the 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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgement, 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.

*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 of 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 its 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.