

IN THE GRAND COURT OF THE CAYMAN ISLANDS

448 ✓

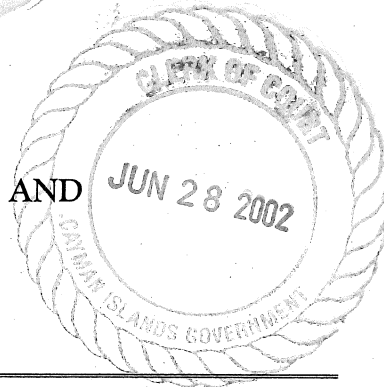
CAUSE NO: OF 2002

BETWEEN:



COLIN WILLIAMS

Plaintiff



AND

RONALD BENNETT

Defendant

WRIT OF SUMMONS

TO: Ronald Bennett
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, P.O. 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 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 day of 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 an individual residing in the Cayman Islands whose address for service is in care of his attorneys, Hunter & Hunter, P.O. Box 190 GT Grand Cayman, Cayman Islands.
2. The Defendant is an individual residing in the Cayman Islands.
3. On 24 March 2001, at approximately 2:30 AM, the Plaintiff was operating his vehicle, being a 1992 Nissan Sunny, bearing registration plate number 50755, travelling southbound on the Harquail Bypass (Esterly Tibbetts Highway).
4. At or about the same time, the Defendant was operating a vehicle, Land Cruiser, registration number 82850, owned by a Germaine Ebanks, which vehicle was travelling behind the Plaintiff's vehicle and in the same direction.
5. The Plaintiff came to a full stop prior to entering into the traffic circle near the entry to Industrial Park to give way to vehicles with the lawful right-of-way travelling in the traffic circle. While the Plaintiff was stationary, the vehicle operated by the Defendant collided into the rear of the vehicle operated by the Plaintiff.
6. As a result of this collision, the Plaintiff was driven back into his seat and then recoiled forward forcefully striking his chest and knee into the steering wheel and possible other parts of the interior.
7. At all times the Plaintiff was wearing his seatbelt.

PARTICULARS OF NEGLIGENCE

8. The collision was as a result of negligence on the part of the Defendant in that:
 - a. He failed to keep a proper lookout;
 - b. He failed to keep his motor vehicle under proper control;
 - c. On the occasion in question, he was an incompetent driver lacking in reasonable skill and self-command, and ought not to have attempted to operate a motor vehicle;
 - d. He either failed to apply his brakes properly, or at all; or failed to ensure that the breaks on the motor vehicle in operation were in proper working order;

- e. He failed to take reasonable care to avoid an accident that he saw or should have seen was likely to happen;
- f. He failed to exercise due skill and care in the management of the motor vehicle;
- g. He failed to observe the rules of the road as required by the Traffic Law;
- h. He attempted to operate a motor vehicle while his ability to do so was impaired by alcohol, drugs, stress, fatigue, or a combination thereof.

PARTICULARS OF INJURIES

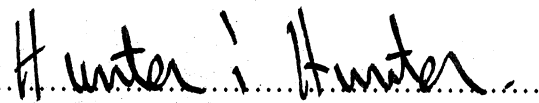
- 9. By reason of the said negligence of the Defendant and resulting collision, the Plaintiff has suffered injuries and damages as follows:
 - a. Internal trauma and possible ligamentous injuries to the cervical, thoracic, and upper spine;
 - b. Moderate prolonged trauma and ligamentous injuries to the lumbar spine;
 - c. Sprain and spasm of connecting tissues;
 - d. Stretching of ligamentous tissues;
 - e. Increased risk of arthritic developments in injured areas;
 - f. General bruising and discomfort.
- 10. The Plaintiff had to receive medical attention over an extended period of time following the accident.
- 11. As a result of the pleaded negligence on the part of the Defendant the Plaintiff incurred special damages as set out in the attached schedule of Special Damages. Interest is claimed on such special damages from the date incurred at the rate as determined by the Judicature Law (1995 Revision) and Rules and Regulations thereto.
- 12. As a result of the foregoing, the Plaintiff pleads that he is entitled to the relief claimed in this proceeding.

AND THE PLAINTIFF CLAIMS:

- 1. General Damages

2. Special Damages
3. Loss of income
4. Pre- and post-judgment interest pursuant to the Judicature Law (1995 Revision) and the Judgment Debts (Rates of Interest) Rules as amended from time to time.
5. Costs on an indemnity basis, or, alternatively, on a standard basis in accordance with a Bill of Costs Rules.
6. Such further and other relief as this Honourable Court may deem just.

Dated 27 June 2002


.....
HUNTER & HUNTER
Attorneys-at-Law for the Plaintiff

THIS WRIT was issued by Hunter & Hunter, Attorneys-at Law for the Plaintiff[s] whose address for service is that of [their] said Attorneys, namely 75 Fort Street, The Huntlaw Building, P.O. Box 190 GT, Grand Cayman, Cayman Islands (Ref. WAS/08946.001).

INDORSEMENT OF INSURER

The Plaintiff's claim arises out of the use of a motor vehicle on a public road. The insurer of the Defendant named herein is Cayman General Insurance Co. The address for service is PO Box 2171 GT Grand Cayman, Cayman Islands.

INTEREST INDORSEMENT

Interest is claimed pursuant to Section 34 of the Judicature Law as amended;

1. The rate of interest claimed is as set out by the Judgment Debts (Rates of Interest) Rules, as amended from time to time;
2. The time from which the interest runs is as the date of each special damages claimed as set out in the schedule to the claim.

THIS WRIT was issued by Hunter & Hunter, Attorneys-at Law for the Plaintiff[s] whose address for service is that of its said Attorneys, namely 75 Fort Street, The Huntlaw Building, P.O. Box 190 GT, Grand Cayman, Cayman Islands (WAS/08946.001)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2002

B E T W E E N:

COLIN WILLIAMS

Plaintiff

AND

RONALD BENNETT

Defendant

SCHEDULE OF SPECIAL DAMAGES

Medical Provider For Collin Williams	Date(s) of Service	Charges CI\$
CI Health Services	26/03/01	141.04
Dr. John Madden	22/05/01	50.00
Receipt for Rx	22/05/01	139.95
Dr. Khan	03/04/01—20/07/01	1,410.00
Cayman Orthopaedic Group	05/06/01	80.00
Dr. Khan	08/08/01	10.00
Cayman Physiotherapy Ltd	20/06/01—06/07/01	280.00
Cayman Physiotherapy Ltd	18/07/01—31/07/01	240.00
Cayman Orthopaedic Group	20/09/01	50.00
Cayman Orthopaedic Group	11/12/01	500.00
Cayman Physiotherapy Ltd	07-25/01/02	315.00
Total		CI\$3,215.99

Loss of Income

Document	Date	Charges CI\$
Marble Craft Letter	1 Nov 2001	CI\$384.00

Damage to Vehicle

Document	Date of Estimate	Charges CI\$
RedGate Garage Ltd. Estimate	19 September 2001	CI\$1,366.00
A&R Auto Body	17 September 2001	CI\$1,320.35

B E T W E E N:

COLIN WILLIAMS

Plaintiff

AND

RONALD BENNETT

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 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.

<p>Hunter & Hunter The Huntlaw Building 75 Fort Street PO Box 190 GT Grand Cayman Telephone: (345)949-4900 Telefax: (345)949-4901 Ref: WAS/08414.002</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.

--

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 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 instalments 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 Acknowledgement 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 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.