

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 620 OF 2002

BETWEEN CARMEN DAVIS PLAINTIFF
AND CAYMAN ISLANDS MARINE INSTITUTE 1st DEFENDANT
AND WALLACE RITCH 2nd DEFENDANT

WRIT OF SUMMONS

TO: CAYMAN ISLANDS MARINE INSTITUTE/WALLACE RITCH
North West Point Road
West Bay, 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 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 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 16th day of August 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.

ENDORSEMENT

The Plaintiff claims against the Defendants to recover damages for personal injury in that on the 26th day of September 2001 the Second Defendant, the servant and/or agent of the First Defendant, so negligently drove and operated motor vehicle registered in the name of the First Defendant and bearing registration number 62 628 along the West Bay Road in the vicinity of Marsh Road, West Bay, Grand Cayman that he caused the same to collide with the Plaintiff's motor vehicle bearing registration number 60 180 and as a consequence of which the Plaintiff sustained damage and personal injuries.

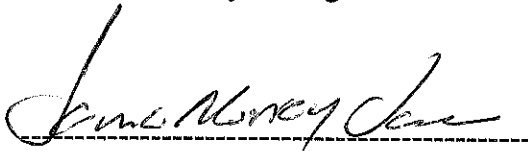
AND THE PLAINTIFF CLAIMS:

1. Damages;
2. Interest;
3. Costs.

STATEMENT AS TO INTEREST

- a). Interest on Special Damages at the rate of 6% per annum or such other applicable rate from the 26th September 2001 to date of Judgment.
- b). Interest on General Damages from the date of the filing of this Writ until Judgment at such applicable rate as shall be prescribed.

Dated this 7th day of August 2002



SAMSON MURRAY JACKSON
Plaintiff's Attorneys-at-Law

THIS WRIT was issued by Samson Murray Jackson, Attorneys-at-Law, for and on behalf of the Plaintiff, whose address for service is that of her said Attorneys-at-Law, The Ground Floor (West Wing) Sigma Building, 93 Hospital Road, George Town, Grand Cayman.

Acknowledgment of service of writ of summons (O.12, r.3)

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

Please complete overleaf

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 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2002

BETWEEN CARMEN DAVIS PLAINTIFF
AND CAYMAN ISLANDS MARINE INSTITUTE 1st DEFENDANT
AND WALLACE RITCH 2nd 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 judgement being entered against a Defendant whereby he May have to pay the costs of applying to set it aside.

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

2. State whether the Defendant intends to contest the proceedings (tick the 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 judgement 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 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 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:

SAMSON MURRAY JACKSON
Ground Floor (West Wing) Sigma Bldg.
93 Hospital Road
PO Box 10067APO
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:

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2002

BETWEEN CARMEN DAVIS PLAINTIFF
AND CAYMAN ISLANDS MARINE INSTITUTE 1st DEFENDANT
AND WALLACE RITCH 2nd DEFENDANT

STATEMENT OF CLAIM

1. The Plaintiff was at all material times the owner and driver of Toyota Cressida motorcar licensed number 60 180.
2. The First Defendant was at all material times the owner of motor vehicle licensed number 62 628 and the employer of the Second Defendant.
3. The Second Defendant was at all material times the employee/servant and or agent of the First Defendant and was at all material times the driver of the First Defendant's motor vehicle licensed number 62 628.
4. On or about the 26th day of September 2001 the Plaintiff was driving her said motor car along the West Bay Road in a northerly direction when at a point just at the junction of the said road with Marsh Road, the Second Defendant so negligently drove or controlled the aforementioned motor vehicle belonging to the First Defendant that he caused the same to collide with the Plaintiff's said motor car, whereby the Plaintiff suffered injury, loss and damage.

Particulars of Negligence

- (a) Failing to keep any or any proper look out.
- (b) Driving too fast in all the circumstances.
- (c) Failing to observe or heed in time adequately or at all the Plaintiff, her car or the fact that the said car was stationary with its indicator on waiting to turn into the said Mash Road.
- (d) Colliding with the rear of the Plaintiff's car.
- (e) Failing to heed the traffic conditions.
- (f) Failing to stop, to slow down, to swerve or so to control his car as to avoid the accident.
- (g) The Plaintiff will further rely on the happening of the said accident as evidence in itself of the negligence of the Defendant.

Particulars of Injuries

The Plaintiff's date of birth is 24th May 1950.

Pain suffering and main injury

An acute whiplash injury of the cervical spine, producing pain, stiffness and headaches as well as temporomandiblar joint trauma.

Hospital treatment, nursing and domestic care and attention required

(a) Hospital Treatment

The Plaintiff attended the Accident & Emergency Department of the George Town Hospital shortly after the accident and later at the Chrissie Tomlinson Memorial Hospital where an acute strain of the neck muscles was diagnosed as well as temporomandiblar joint trauma.

(b) Outpatient treatment

The Plaintiff has undergone physiotherapy and manipulative treatment at the Physical and Occupational Therapy Department at the Chrissie Tomlinson Memorial Hospital on a number of occasions.

Other adverse effects and loss of amenity

The Plaintiff suffers from pain in the neck of varying intensity from time to time and the injuries disabled the Plaintiff from work resulting in a loss of earnings to her.

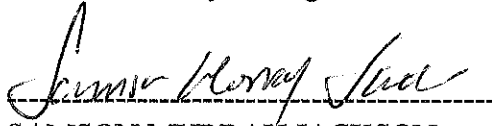
Particulars of Special Damages

(a)	Loss of Income	CI\$2,490.00
(b)	Medical Costs	<u>CI\$ 900.00</u>
		CI\$3,390.00

AND THE PLAINTIFF CLAIMS:

- (a) Special Damages of CI\$3,390.00
- (b) General Damages
- (c) Interest on Damages as specified in the Writ of Summons
- (d) Costs

Dated the 7th day of August 2002



SAMSON MURRAY JACKSON
Plaintiff's Attorneys-at-Law