

IN THE GRAND COURT OF THE CAYMAN ISLANDS

Cause No. 386 of 1996.

Between : PAUL DRURY Plaintiff
And : ELIZABETH STEPHENSON Defendant

WRIT OF SUMMONS

To : Elizabeth Stephenson
Moon Bay Apts. #7
Bodden Town
P.O. Box 436 GT
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 fourteen (14) days after the service of this Writ on you, counting the date of service, you must either satisfy the claim or return to the Court Office, P.O. Box 295, George Town, Grand Cayman, Cayman Islands, B.W.I. the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

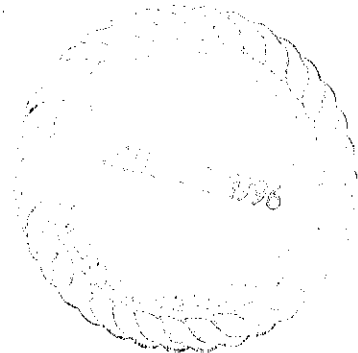
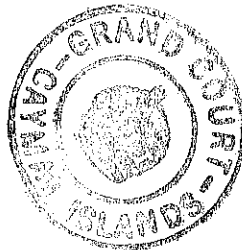
If you fail to satisfy the claim or to return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

ISSUED this 11th day of July, 1996.

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 Acknowledgment of Service are given with the accompanying form.



INDORSEMENT OF CLAIM

The Plaintiff's claim against the Defendant is for damages for personal injury, loss and damage, interest and costs arising out of the Defendant's negligent driving on February 1, 1996.

DATED this 11th day of July, 1996.


Collins Broadhurst & Furniss

To : The Clerk of the Courts

This Writ of Summons has been issued by **Collins Broadhurst & Furniss**, Attorneys-at-Law, for the Plaintiff, whose address for service is Elizabethan Square, 2nd Floor, P.O. Box 2503, George Town, Grand Cayman, Cayman Islands, British West Indies

STATEMENT OF CLAIM

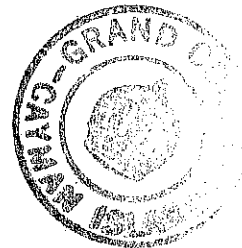
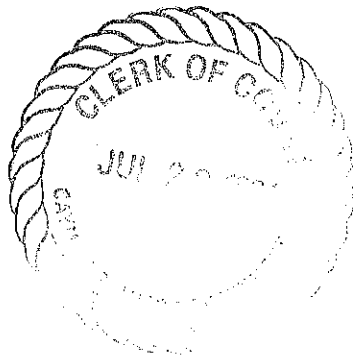
1. On February 1, 1996, the Plaintiff was riding a bicycle along Red Bay Road towards George town when it became involved in a collision at the entrance to South Sound Road with a Ford Explorer, Registration No. 60 252, owned by the Defendant and being driven by the Defendant onto the said Red Bay Road from South Sound Road.
2. The said collision was caused by the negligence of the Defendant.

PARTICULARS OF NEGLIGENCE

1. Driving from a minor road onto a major road, when it was unsafe to do so and/or without regard for traffic on the major road.
 2. Failing to give any or any proper warning of her approach or her intention to turn right or to drive onto the said major road.
 3. Failing to keep any or any proper lookout and/or to observe or heed the presence or approach of the Plaintiff on the major road.
 4. Failing to apply her brakes in time or at all and/or so to steer or control the said car so as to avoid the said collision.
 5. Emerging on to the said Red Bay Road from South Sound Road without first ascertaining or ensuring that it was safe so to do.
 6. Failing to give way to the Plaintiff while he was riding along the major road.
 7. Failing to see the Plaintiff in sufficient time to avoid the said collision or at all.
3. In the premises the Defendant became and is liable to pay to the Plaintiff damages in respect of the personal injuries and other consequential loss hereafter pleaded.
 4. By reason of the Defendant's said negligence, the Plaintiff has sustained personal injuries and has suffered loss and damage.

PARTICULAR OF INJURY

1. The Plaintiff who was born on June 5, 1966 is now 30 years of age suffered damage to his right wrist. The healing process to that wrist will be slow. To date there is still pain and reduced movement. Permannent scarring also received on outside of right hip. Damage for pain and suffering claimed \$750.00.



PARTICULARS OF SPECIAL DAMAGE

- 1. Damage to bicycle which was a total write off:
 - Frame \$3,995.00
 - Computer \$60.00
 - Stock option size \$250.00
 - Colorado fork \$250.00
 - Mavic 4 CD wheel \$148.00
- 2. Bike estimates \$30.00
- 3. Sunglasses \$130.00
- 4. Police Report \$25.00
- 5. X-Ray and Doctor fees \$55.00
- 6. Two (2) days employment lost \$166.00
- 7. Oakley Sun Glasses \$130.00

TOTAL CI\$5,109.00
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2. The Plaintiff is further entitled to and claims to recover interest pursuant to the Judicature Law (1995 Revised) on the amount.

AND THE PLAINTIFF therefore claims:

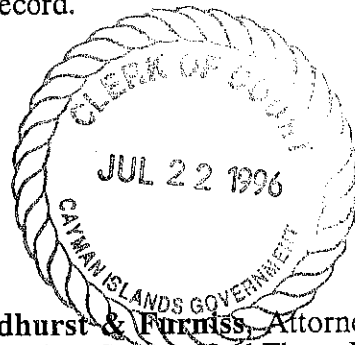
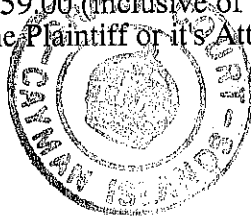
- 1. Damages and the said interest thereon.
- 2. Costs and expenses for a total of \$400.00.

DATED this 11th day of July, 1996.

Collins Broadhurst Furniss

Collins Broadhurst & Furniss
Attorneys-at-Law for the Plaintiff

If within the time for returning the Acknowledgment of Service the Defendant should pay the total sum claimed of \$6,259.00 (inclusive of costs) further proceedings will be stayed. The money must be paid to the Plaintiff or it's Attorney of record.



This Writ of Summons has been issued by **Collins Broadhurst & Furniss**, Attorneys-at-Law, for the Plaintiff, whose address for service is Elizabethan Square, 2nd Floor, P.O. Box 2503, George Town, Grand Cayman, Cayman Islands, British West Indies

IN THE GRAND COURT OF THE CAYMAN ISLANDS

Cause No. *38* of 1996.

Between : PAUL DRURY Plaintiff
And : ELIZABETH STEPHENSON Defendant

ACKNOWLEDGEMENT OF SERVICE
WRIT OF SUMMONS

To : Elizabeth Stephenson
Moon Bay Apts. #7
Bodden Town
P.O. Box 436 GT
Grand Cayman

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:

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.

Collins Broadhurst & Furniss 2nd Floor, Elizabethan SQ. P.O. Box 2503 GT, Grand Cayman, Cayman Islands, British West Indies
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Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

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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.

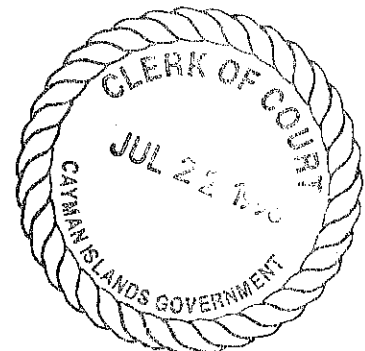
If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

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.
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 guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.