

IN THE GRAND COURT OF THE CAYMAN ISLANDS

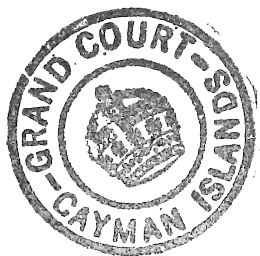
797
CAUSE NO. OF 2003
LEGAL AID NO.47/03

BETWEEN: DERRICK ANTHONY CLARK
PLAINTIFF

AND: ELBERT FORBES T/A PROFESSIONAL WASTE
MANAGEMENT
FIRST DEFENDANT

AND: PROFESSIONAL WASTE MANAGEMENT LTD.
SECOND DEFENDANT

AND: CHRISTOPHER JOHNSON
THIRD DEFENDANT



WRIT OF SUMMONS



TO: Mr. ELBERT FORBES
T/A PROFESSIONAL WASTE MANAGEMENT
P.O. BOX 2807GT MIDDLE RD.
GEORGE TOWN GRAND CAYMAN
TEL 9450535

TO: PROFESSIONAL WASTE MANAGEMENT LTD.
P.O. Box 100067 APO
Sigma Building, Hospital Rd.
Grand Cayman

AND TO: CHRISTOPHER JOHNSON
SAVANNAH-NEULANDS, GRAND CAYMAN

CAYMAN ISLANDS

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 495 G.T., 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 judgment may be entered against you forthwith without further notice.

Issued this 8th day of December 2003.

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.

INDORSEMENT

The Plaintiff's IS FOR negligence, personal injury, loss and damage sustained by the Plaintiff during the course of his employment by the First Defendant as a result of the

negligence of the First and Second Defendants in that they each failed in their duty of care towards the Plaintiff.

AND THE PLAINTIFF CLAIMS FROM THE DEFENDANTS

- a. Special Damages which are continuing and presently not estimated.
- 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. Such Further and other relief.
- f. Costs

STATEMENT REGARDING INSURER

The Plaintiff does not know whether either of the Defendants were insured for the risks described in the Endorsement hereto.

McKinney Reid & Co.

MCKINEY REID & COMPANY

Attorneys-at-Law for the Plaintiff

6. At the material time the Plaintiff was ordered by the First Defendant to assist the Second Defendant in his duties for Professional Waste Management and acted in the course of his employment.
7. On the 19th October, 2002 the Plaintiff, whilst acting in the course of his employment with the First Defendant, was ordered by the Third Defendant to retrieve a strap for use on the truck driven by the Second Defendant in the performance of his duties for the First and Second Defendant.
8. In breach of the duty of care owed by the First, Second and Third Defendants to the First Defendant and the Second Defendant failed to:-
 - (i) Ensure that the Plaintiff had completed the task of rolling in the strap before driving off to prevent the Plaintiff's hand being dragged with the strap and injuring himself.
 - (ii) Ensure that the Plaintiff was equipped with safety gloves or other such safety device to prevent him from injuring himself.
 - (iii) Provide the Plaintiff with a place of work which was as safe as the exercise of reasonable skill and care would permit.
 - (iv) Provide the Plaintiff with a safe system of work.
 - (v) Provide the Plaintiff adequate supervision.
9. As a result of the aforementioned breaches of duty of care the Plaintiff's hand was dragged by the strap and he suffered injuries and other loss and damage.
10. By reason of his injuries the Plaintiff has suffered loss, damage and pain and suffering.
11. The first Defendant and Second Defendant are liable to the Plaintiff for the damages which he has suffered.

PARTICULARS OF INJURY

The Plaintiff suffered cuts and bruises to his left hand and damage and loss of his left little finger and damage and loss of partial use of the left hand. The Plaintiff experienced pain and suffering, loss of annuity and required continuing medical treatment.

PARTICULARS OF SPECIAL DAMAGES

The Plaintiff seeks special damages for inter alia, wrongful dismissal, loss of earnings, travel expenses and medical costs as a result of the negligence/breach of duty of the First and Second Defendant..

AND THE PLAINTIFF CLAIMS against all Defendants and each of them:-

- (a) Damages
- (b) Interest pursuant to the Judicature Law in such amounts and for such periods as the Court deems just.
- (c) Costs.
- (d) Further and/or other relief.

McKinney Reid & Co.
MCKINNEY REID AND COMPANY
Attorneys-at-Law for the Plaintiff

THIS STATEMENT OF CLAIM is issued by McKinney Reid & Company, Attorneys-at-Law for the Plaintiff whose address for service is 201 Elizabethan Square, P.O. Box 1573GT, George Town, Grand Cayman, Cayman Islands

FORM 2

Acknowledgment of Service (Rule.11)

DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE

IF YOU INTEND TO INSTRUCT AN ATTORNEY TO ACT FOR YOU GIVE HIM THIS FORM IMMEDIATELY

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.
2. After completion it must be signed by the Defendant and his attorney (if any) and must be delivered or sent by post to the Law Courts, P.O. Box 495 G.T., George Town, Grand Cayman.
3. The Acknowledgment of Service must be filed at court and served on the attorney for the Plaintiff (or on the Plaintiff if acting in person) within fourteen days service of the Petition.
4. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings must also serve an Answer on the attorney for the Plaintiff (or on the Plaintiff if acting in person) within fourteen days after service of the writ of Summons.
5. In case of Summons served outside the Cayman Islands the periods within which the Defendant must file an Acknowledgment of Service and any Answer are extended by fourteen days.

Please complete overleaf

NOTE: Notice of your intention to defend may be given by:

- a) an endorsement on the Acknowledgment of Service.
- b) by notice of such intention lodged in the Registry within fourteen days of the service of this Writ of Summons, or
- c) at any time by leave of the Court prior to the date fixed for trial.

The following person must be served:-

The Respondents:

Mr. Elbert Forbes
Professional Waste Management
P.O. Box 2807 G.T.
Middle Road
George Town, Grand Cayman

Telephone: 945 – 0535

And To:

Professional Waste Management Ltd.
P.O. Box 100067 APO
Sigma Building, Hospital Road
Grand Cayman

And To:

Christopher Johnson
Savannah, Newlands
Grand Cayman

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CAUSE NO: OF 2003
LEGAL AID NO: 47 OF 2003

BETWEEN: DERRICK ANTHONY CLARKE PLAINTIFF
AND: ELBERT FORBES T/A PROFESSIONAL WASTE MANAGEMENT FIRST DEFENDANT
AND: PROFESSIONAL WASTE MANAGEMENT SECOND DEFENDANT
AND: CHRISTOPHER JOHNSON THIRD DEFENDANT

ACKNOWLEDGMENT OF SERVICE

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

1) Have you received the Writ of Summons delivered with this form?

Yes

No

2) On what date did you receive it? _____

3) Are you the person named as the Defendant in the Writ of Summons?

Yes

No

4) Do you intend to defend the case?

Yes

No

Service of the Petition is acknowledged accordingly

Dated: _____

Defendant

Defendant's Attorney

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.

Indorsement by the Plaintiff's attorney (or by the Plaintiff if suing in person) of his name and address in the box below.

McKinney Reid and Company
Attorneys-At-Law
201 Elizabethan Square
P.O. Box 1573 G.T.
George Town Grand Cayman

Indorsement by Defendant's attorney (or by the Defendant if acting in person) of his name and address in the box below.

[Empty box for Defendant's attorney indorsement]