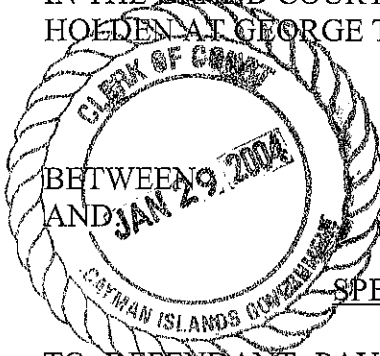


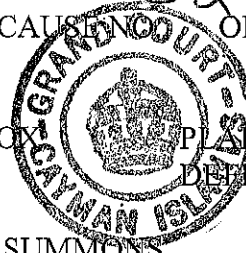
Writ of Summons (O.6, r.1)

LEGAL AID NO: 13/04

IN THE GRAND COURT OF THE CAYMAN ISLAND
HOLDEN AT GEORGE TOWN, GRAND CAYMAN



CAUSE NO. 62 OF 2004



BETWEEN
AND

RANDY OLIVER DOWNS-FOX
PAULA JEANNE DI ROCCO

PLAINTIFF
DEFENDANT

SPECIALY ENDORSED WRIT OF SUMMONS

TO: DEFENDANT: PAULA DI ROCCO 447 North West Point Road, West Bay, 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 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 Acknowledgment 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 29 day of January 2004

NOTE - This Writ may not be served later than 4 calendar 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.

STATEMENT OF CLAIM

1. On 12 August 2003, the Plaintiff was driving his Honda Civic registration number 61 500 along West Bay Road, in the vicinity of London House, towards West Bay when the defendant, so negligently drove a Jeep Wrangler motor vehicle, registration number 71 160 along the road in the opposite direction and onto the wrong side of the road that it collided with the Plaintiff motor vehicle. The Defendant's motor vehicle overturned as a result of the accident.

PARTICULARS OF NEGLIGENCE

- (a) Driving at an excessive speed.
- (b) Driving onto the wrong side of the road and there colliding with the Plaintiff.
- (c) Failing to keep any or any proper lookout or to have any or any sufficient regard for any other traffic, particularly on-coming traffic, on the road.
- (d) Overtaking or attempting to overtake a motor lorry without first ascertaining or ensuring that it was safe so to do (and when it was unsafe and dangerous so to do).
- (e) Failing to stop, to slow down, to swerve, or in any other way so to manage or control the motor vehicle so as to avoid the collision.

2. Further the Defendant was convicted on 29 October 2003 in the Summary Court sitting in George Town on her own plea of guilty of the offence of driving the motor vehicle on the road having consumed alcohol in such quantity that the proportion thereof in her blood exceeded the prescribed limit of 100 milligrams to wit, .278 % milligrams, contrary to section 71(1)(a)(ii) of the Traffic Law (2003 Revision) as read with section 71(2). The said conviction is relevant to the issue of negligence and the Plaintiff intends to rely on it as evidence in this action.

3. By reason of the matters aforesaid, the Plaintiff suffered pain, sustained personal injuries and has suffered loss and damage.

PARTICULARS OF INJURIES

The Defendant's date of birth is 14 March 1970. The Plaintiff suffered personal injuries as a result of the accident for which he required immediate hospitalisation. He was released from Hospital in October 2003. The Plaintiff suffered multiple fractures of his right leg together with damage to the pelvis. The ball and socket joint was fractured. He will require ongoing medical treatment, observation and physiotherapy. The Plaintiff suffered multiple lacerations to his face and required stitches.

PARTICULARS OF SPECIAL DAMAGE

Date	Description	Costs (CIS)
Motor vehicle		\$1,500.00
August 2003 to date	medical expenses	CI\$4, 132.63
August 2003 to date	Loss of salary	(2,340 x5) 11,700.00

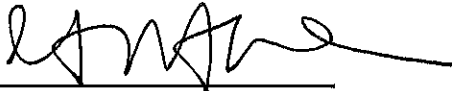
AND the Plaintiff claims

(i) Damages

(ii) Special Damages of CI\$17,332.63

(iii) Further, pursuant to The Judicature Law (1995 Revision), the Defendant is entitled to and claims interest on such sums as are found to be due at such rate and for such period as the Court shall think fit.

(iv) Costs



WOODWARD TERRY & COMPANY

THIS WRIT was issued by Clyde H. Allen whose address for service is Woodward Terry & Company, Attorneys-At-Law PO Box 822 GT, West Wind Building, Harbour Drive and Fort Street, Grand Cayman, Cayman Islands, BWI.

IN THE GRAND COURT OF THE CAYMAN ISLAND
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

62
CAUSE NO. OF 2004

BETWEEN
AND:

RANDY OLIVER DOWNS-FOX
PAULA JEANNE DI ROCCO

PLAINTIFF
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.

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 a 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

Address for service: (please see overleaf)

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. H. Allen
Woodward Terry & Company
Attorneys-At-Law
PO Box 822 GT
West Wind Building
Harbour Drive and Fort Street
Grand Cayman
Cayman Islands

Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

