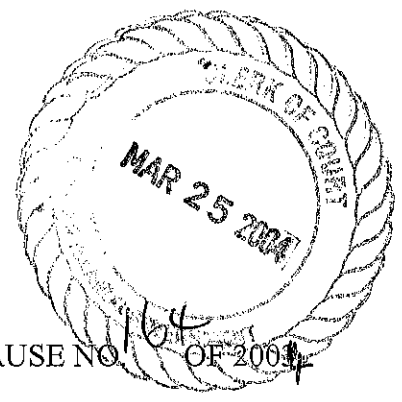




Writ of Summons (O.6, r.1)



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

BETWEEN OSCAR SHAW PLAINTIFF

AND: B P C Ltd FIRST DEFENDANT
ANTHONY MICHAEL MCINERNY SECOND DEFENDANT

SPECIALLY ENDORSED WRIT OF SUMMONS

TO: DEFENDANTS: B P C Ltd, P. O. Box 10598 APO, Micro Centre, North Sound Rd,
Grand Cayman, Cayman Islands. AND ANTHONY MICHAEL MCINERNY, P.O.Box
31714 SMB, No.1 Coast Line Towers
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 25th day of March 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 28 March 2001, the Plaintiff was riding his bicycle along North Sound Road towards Paramount Carpets, when the Second defendant, the servant or agent of the first defendant so negligently drove a motor vehicle registration number 77943 that it collided with the rear and left hand side of the plaintiff whilst riding his bicycle and knocked the plaintiff to the ground.
- 2 The plaintiff was riding his bicycle on the pavement on the right hand side of North Sound Road. On reaching the entrance to the Mirco Centre, having checked in front and behind him that there were no oncoming vehicles proceeded when the second defendant who approached at speed and from the rear of the Plaintiff made a right turn off the main road and drove into the path of the plaintiff which resulted in him knocking the plaintiff off his bicycle and to the ground.

PARTICULARS OF NEGLIGENCE.

- a Driving too fast.
 - b Failing to keep any or any proper look-out or to have any or any sufficient regard for the cyclist on the pavement or on the road.
 - c Driving or attempting to drive his motor vehicle into the Mirco Centre and across the path of the plaintiff.
 - d Turning or attempting to turn from North Sound Road into the Mirco Centre into and across the path of the plaintiff when it was unsafe and dangerous so to do.
 - e Failing to stop or to wait in the road until the plaintiff passed in safety before turning or attempting to turn to his right and into the path of the Plaintiff.
 - f Failing to see the plaintiff in sufficient time to avoid crossing or attempting to cross his path or at all.
 - g Failing to give any or any sufficient or timely warning or signal of his intention to turn right across the path of the plaintiff.
 - h Failing to stop, to slow down, to swerve or in any other way so to manage or control the motor vehicle as to avoid the collision.
3. By reason of the matters aforesaid, the Plaintiff sustained injuries and has suffered loss and damage.

PARTICULARS OF INJURY

The Plaintiff's date of birth is 13 October 1950. Following the accident the plaintiff suffered a transient loss of consciousness. He had suffered a fracture of his left clavicle. The plaintiff has continued to suffer pain in his shoulder and has regularly seen a chiropractor. The plaintiff will rely on the medical report Dr. Sekhar date 3 May 2001.

PARTICULARS OF SPECIAL DAMAGE

Description	Costs(CI\$)
1. Island Chiropractor	805.00

2. Medical examination report	60.00
3. Bicycle	525.00
4. Police Report	75.00
5. Hospital bill	3,348.85

Total \$4,813.85

AND the Plaintiff claims

- i Damages
- ii Special damages of \$4,813.85
- iii Further, pursuant to The Judicature Law (1995 Revision), the Plaintiff 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

CAUSE NO. OF 2004

BETWEEN OSCAR SHAW PLAINTIFF

AND: B P C Ltd FIRST DEFENDANT
ANTHONY MICHAEL MCINERNEY SECOND 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.

[Empty box for defendant's attorney indorsement]