

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN: PATRICIA GENAO

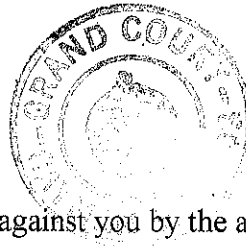
**CAUSE NO: 431 OF 1996
PLAINTIFF**

AND: MARLON MOTHERSILL

DEFENDANT

WRIT OF SUMMONS

**TO: MARLON MOTHERSILL
c/o Ritch & Conolly
Royal Bank of Canada Bldg.
George Town, 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 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 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 23rd day of August 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.

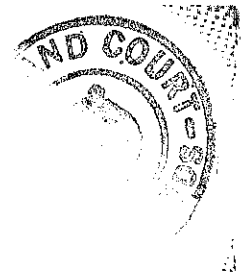
ENDORSEMENT

The Plaintiff claims against the Defendant to recover damages and costs for personal injury in that the Defendant so negligently drove and operated Honda Civic motor car licensed 52 115 along the Shedden Road in the vicinity of Dr. Roy's Drive, George Town, Grand Cayman that the same collided into motor vehicle licensed 51 405 in which the Plaintiff was a passenger and as a consequence injuring her.

Dated this *23rd* day of *August* 1996.

L. A. Samson & Co.

Signature of Plaintiff's Attorneys



THIS WRIT was issued by L. A. Samson & Co., Attorneys-at-Law for the Plaintiff whose address for service is that of her said Attorneys-at-Law, Suite D1 Cayman Business Park, Thomas Russell Way, George Town, Grand Cayman.

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CAUSE NO: 431 OF 1996

BETWEEN: PATRICIA GENAO
AND: MARLON MOTHERSILL

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 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 judgment entered by the Plaintiff (tick box)

yes

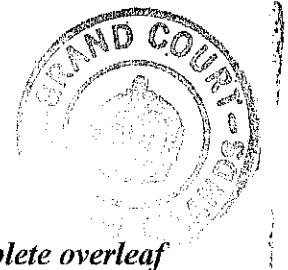
Service of the Writ is acknowledged accordingly

(Signed)

[Attorney] for

[Defendant in person]

Address for service



Please complete overleaf

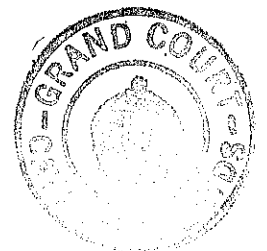
Notes on address for service

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 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.

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: 431 OF 1996

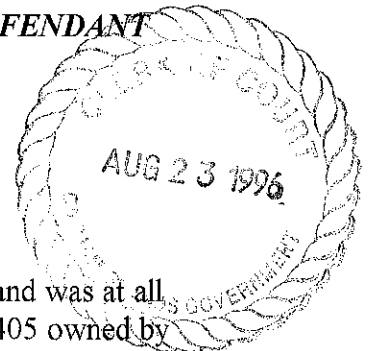
BETWEEN: PATRICIA GENAO

PLAINTIFF

AND: MARLON MOTHERSILL

DEFENDANT

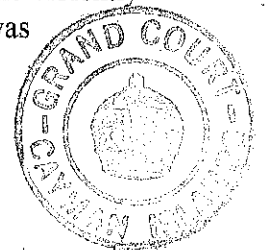
STATEMENT OF CLAIM



1. The Plaintiff is a Legal Secretary residing in West Bay, Grand Cayman and was at all material times a passenger in Chevrolet Cavalier motor car licensed 51 405 owned by Cindy Bush and driven at all material times by Norma Jefferson.
2. The Defendant resides in George Town, Grand Cayman and was at all material times the owner and driver of Honda Civic motor car licensed 52 115.
3. On or about the 9th day of February 1996 the Defendant so negligently drove, managed and controlled his aforesaid motor car along the Shedden Road, in the vicinity of Dr. Roy's Drive, George Town, Grand Cayman that he caused or permitted the same violently to run into the rear of the aforementioned motor vehicle in which the Plaintiff was traveling as a passenger.

Particulars of Negligence

- (a) Driving at a speed which was excessive in the circumstances.
 - (b) Failing to keep any or any proper look out or to have any or any sufficient regard for the users of the said road.
 - (c) Failing to exercise or to maintain any or any sufficient or adequate control of his said vehicle.
 - (d) Overtaking a stationary vehicle at a time when it was unsafe so to do.
 - (e) Failing to stop, to slow down, to swerve or in any other way so to manage or control his said motor car as to prevent the said collision.
4. Further the insurers of the Defendant's vehicle have settled the claim for property damage against the Defendant, brought by the owner of the vehicle in which the Plaintiff was a passenger, and the said settlement is relevant to the issue of negligence and the breach of duty on the part of the Defendant and the Plaintiff intends to rely thereon as evidence in this action.



5. By reason of the matters aforesaid the Plaintiff sustained severe injuries and suffered loss and damage.

Particulars of Injuries

- (a) Marked tenderness of the trapezius muscle
- (b) Marked tenderness of the sterno-mastoid muscles
- (c) Reduced mobility of the neck
- (d) Whiplash
- (e) Pain between the shoulder blades

Particulars of Special Damages

(a)	Cost of Police Report	CIS\$	25.00
(b)	Cost of Medical Report	CIS\$	25.00
(c)	Cost of Clinical Consultation	<u>CIS\$</u>	<u>25.00</u>
		CIS\$	75.00

And the Plaintiff Claims:

- (a) Damages
- (b) Interests at the Statutory rate
- (c) Costs

Dated the 23rd day of August 1996



L. A. Samson & Co.

L. A. Samson & Co.
Plaintiff's Attorneys-at-Law

