

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 294 OF 1995

BETWEEN:

DARVIN WATSON

PLAINTIFF

AND:

DORIS MORRIS

FIRST DEFENDANT

AND:

WENDY O. MILLER

SECOND DEFENDANT

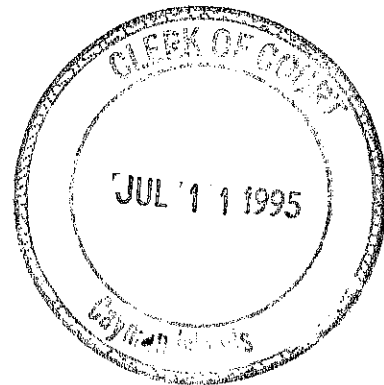
WRIT OF SUMMONS

TO:

DORIS MORRIS  
Elgin Lane, George Town

AND TO:

WENDY O. MILLER  
South Cayman Palms, George Town



**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            day of July, 1995.

**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 the Service are given with the accompanying form.



STATEMENT OF CLAIM

1. On or about the 29th day of June, 1995, the Plaintiff was driving his Mazda motor car, registration number 38298 along North Sound Way in George Town, Grand Cayman, when the First Defendant, the servant and/or agent of the Second Defendant, so negligently drove, managed and controlled a Hyundai motor car, registration number 47211, owned by the Second Defendant, along North Sound Way that she caused or permitted the said motor car to collide with the Plaintiff's said motor car.

Particulars of claim

- (a) Failing to conform to the proper use of the road way;
- (b) Failing to exercise or to maintain any or sufficient or adequate control of the said motor car;
- (c) Making an illegal turn into the path of the Plaintiff's said motor car;
- (d) Driving the said motor car along the said road without due care and attention;
- (e) Failing to stop to slow down, to swerve or act in any other way to manage or control the said motor car so as to prevent the said collision.

By reason of the matters aforesaid the Plaintiff's said motor car sustained damage and loss.

Particulars of Special Damage

ITEM	AMOUNT OF DAMAGE
(1) Extensive damage to the front of the said motor car;	
(2) Estimated cost of repairs:	\$4,900.00
(3) Rental of motor car for 13 days at \$45.00 per day:	\$ 585.00





AND THE PLAINTIFF claims:

1. The sum of CI \$4,900.00;
2. Rental of motor car for 13 days at \$45 per day (for a total of CI \$585.00);
3. Costs and attorneys' fees.

[If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of CI \$5,485.00 (including costs), further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.]



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A. STEVE MCFIELD & ASSOCIATES  
Attorneys-at-Law for the Plaintiff



THIS WRIT was issued by A. Steve McField & Associates, whose address for service is P.O. Box 680, George Town, Grand Cayman, attorneys for the Plaintiff.



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 1995

BETWEEN: DARVIN WATSON PLAINTIFF  
 AND: DORIS MORRIS FIRST DEFENDANT  
 AND: WENDY O. MILLER 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 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 appropriate box).

Yes

Service of the Writ is acknowledged accordingly

(Signed) \_\_\_\_\_

[Attorney] for:  
[Defendant in person]

Address for service: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



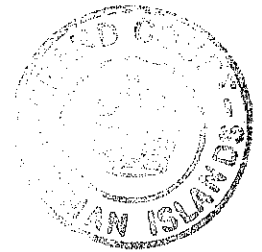
**Notes on address for service**

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 boxnumber and the physical address of his residence of, 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.

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

A. Steve McField & Associates  
Attorneys-at-Law, on behalf of the  
Plaintiff, Darvin Watson  
P.O. Box 680, Mary Street  
George Town, Grand Cayman

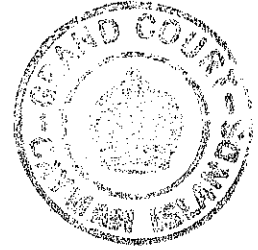


Endorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

[Empty box for defendant's endorsement]



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