

IN THE GRAND COURT OF THE CAYMAN ISLANDS



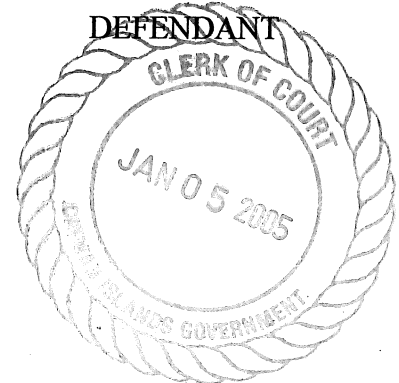
CAUSE NO. 4 OF 2005

BETWEEN: KHADIJAH WILLIS, (a minor,
by her next friend SHARON CAMPBELL) PLAINTIFF

AND: SABINA RODRIQUEZ DEFENDANT

WRIT OF SUMMONS

To: Sabina Rodriquez
C/o Maples & Calder
South Church Street
George Town, Grand Cayman
Cayman Islands, B.W.I.



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 Fourteen days (14) 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 495GT, 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 5th day of January, 2005

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.

STATEMENT OF CLAIM

1. The Defendant was at all material times the owner and driver of a Mitsubishi Towny, Registration No. 81623. The Plaintiff was at all material times a back seat passenger in the Defendant's motor vehicle.
2. On Tuesday 20th July, 2004 at around 3:12 p.m. the Defendant was driving her said motor vehicle on Town Hall Road towards the West Bay Town Hall, West Bay, Grand Cayman.
3. Suddenly and without warning the Defendant negligently drove her vehicle in such a manner that it turned over on its side causing the Plaintiff to sustain injuries including loss of fingers on her left hand.
4. The said accident was caused by the negligence of the Defendant.

PARTICULARS OF NEGLIGENCE

5. The Defendant was negligent in that:
 - (i) she drove too fast in all the circumstances without due care and attention;
 - (ii) failed to keep any or any proper look out;
 - (iii) failed to take heed for the safety of the her passengers;
 - (iv) failed to stop, slow down, steer or otherwise control her motorcar so as to avoid turning over the vehicle;
 - (v) failed to steer or control the vehicle or to apply her brakes adequately or at all so as to avoid an accident;
 - (vi) failed to take any or any adequate care for the safety of the Plaintiff;

7. As a result of the said accident the Plaintiff suffered pain and injury and sustained loss and damage.

PARTICULARS OF INJURY

1. Amputation of left middle and ring fingers through the middle phalanges
2. Deformed index finger and loss of nail on little finger
3. Permanent injuries to fingers
4. Deep abrasions of the left middle and ring fingers
5. Complete loss of terminal phalanges of the left middle and ring fingers
6. Abrasions of nails and nail beds of the index and little fingers
7. Severe pain and suffering

The Plaintiff was born on 29th August, 1999 and was 4 years old at the date of the accident.

She was taken by ambulance to the Accident and Emergency Department of the George Town Hospital where she was examined and treated for injuries to her left hand and/or fingers. She was admitted to hospital for five days and was discharged and given an appointment to return to the out-patient clinic at the George Town Hospital for dressing and follow-up by the Doctor.

After being released from the George Town Hospital, the Plaintiff continued to suffer severe pain and swelling. Movements in her left hand were restricted.

She attends pre-school in Jamaica and was visiting her mother who works in the Cayman Islands. She arrived on the Island on 16th July, 2004 and her entire summer holidays was ruined.

The dislocated fingers has not healed satisfactorily and the Plaintiff will never be the same again. She was unable to return to school until 18th October, 2004. She has had amputation to her fingers and future surgery is inevitable. She is severely limited in her daily activities and she will never be able to return to her pre-accident life style.

The Plaintiff will rely on medical report from the Cayman Islands Health Services Department at trial.

PARTICULARS OF SPECIAL DAMAGE

Medical expense to date	CI\$5,703.40
Traveling expenses to and from doctors and physiotherapy	200.00

AND THE PLAINTIFF CLAIMS:

1. Damages
2. Pre & Post judgment interests pursuant to the Judicature Act
3. Costs

Dated this 5th day of January, 2005



Margeta Facey-Clarke
Facey-Clarke & Associates
Attorneys-at-Law for the Plaintiff

TO: The Clerk of the Court

AND TO: Sabina Rodriquez
C/o Maples & Calder
South Church Street
Grand Cayman

THIS WRIT was issued by Facey-Clarke & Associates, Attorneys-at-Law for the Plaintiff herein whose address for service is that of the said Attorneys-at-Law, Ground Floor, Unit 119, Elizabethan Square, Grand Cayman

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 495GT, 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.

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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.

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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 box)
 yes no

Service of the Writ is acknowledged accordingly

Dated:

(Signed).....

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.

Facey-Clarke & Associates
P.O. Box 2545GT
Ground Floor, Unit 119, Elizabethan Square
Grand Cayman, Cayman Islands, B.W.I.
Tel: 946-8111 / Fax: 946-8141
Email: mclarke@candw.ky

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