

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 119 OF 2005

BETWEEN:

KATHERINE HOUSTON

PLAINTIFF

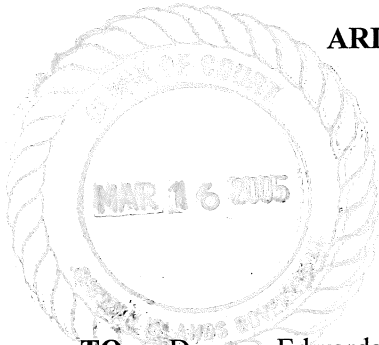
AND:

DWAYNE EDWARDS

FIRST DEFENDANT

ARISTA ENGINEERING CO. LTD

SECOND DEFENDANT



WRIT OF SUMMONS

TO: Dwayne Edwards of P.O. Box 30541 SMB, Grand Cayman, Cayman Islands
and Arista Engineering Co. Ltd. of P.O. Box 30541 SMB, 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 service of this Writ on you, counting the day of service, you must
either satisfy the claim or return to the Court Office, PO Box 495 GT George Town,
Grand Cayman, 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 judgement may be entered
against you forthwith without further notice.

ISSUED this day of March 2005.

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 Acknowledgement of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff was born on 16th July 1963, and has worked as a Marketing Representative for Progressive Distributors Ltd.
2. The First Defendant is an individual who was employed by the Second Defendant at the time of the incident.
3. The Second Defendant is a Limited Liability Company registered under the Companies Law of the Cayman Islands and carrying on the business, of inter alia, engineering and building contracting in the Cayman Islands.
4. On the 11th June 2004 the Plaintiff was driving a Honda motorcar (1994 make), registration number 83264 in the vicinity of "Industrial Park" in Grand Cayman. A collision subsequently occurred between the Plaintiff's vehicle and another vehicle driven by the First Defendant along the same road. The incident was caused by the negligence of the First Defendant.

PARTICULARS OF NEGLIGENCE

5. The Particulars of the First Defendant's negligence are:-
 - (i) failing to keep any or proper look out;
 - (ii) driving too fast;
 - (iii) failing to observe or heed the presence of the Plaintiff's vehicle;
 - (iv) failing to steer or control the vehicle or apply his brakes adequately or at all so as to avoid colliding with the Plaintiff's vehicle;
 - (v) failing to accord precedence to the Plaintiff's car as it had right of way at the intersection;
 - (vi) emerging from the side road when it was unsafe to do so by reason of the presence, path, position and approach of the Plaintiff's car;
 - (vii) failing adequately or at all to heed or act upon the road markings or road signs requiring him to accord precedence to the Plaintiff's vehicle;
 - (viii) failing to give any or adequate warning of his approach or his intention to drive onto the road containing the Plaintiff's vehicle.
6. By reason of the negligence of the First Defendant, the Plaintiff has suffered pain, personal injury, loss and damage.

7. The vehicle was owned by the Second Defendant and was being driven/or operated by the First Defendant (a servant and employee of the Second Defendant) in the course of his employment.

PARTICULARS OF INJURY

The Plaintiff has suffered the following injuries:-

- (a) Foot - x-rays after the accident showed that the Plaintiff has suffered a dislocation of her foot through the mid-foot region. This required surgery and the insertion of screws into the foot. There was also damage to the tendons, and bone chards had to be removed from the foot area;
- (b) Ankle – there was extensive scar tissue suffered inside the ankle area which has necessitated a further operation.
- (c) Knee – the accident resulted in tears to the cartilage in the Plaintiff's knee.

The Plaintiff has recently undergone further operations therefore the long term prognosis is uncertain at present. More detailed medical reports will be available at discovery.

PARTICULARS OF SPECIAL DAMAGE

- (a) Loss of earnings CI\$24,611.14 (29 weeks);
- (b) Airline tickets CI\$1,056.98;
- (c) Car rental plus interest on unpaid visa accounts in relation to the rental CI\$ 418.27;
- (d) Prescriptions (June to November 2004) CI\$ 291.64;
- (e) Fuel expenses involved in attending Doctor and physical therapy appointments (27 appointments) CI\$300.60;
- (f) Bill from Cayman Orthopaedics CI\$440.00;
- (g) Psychiatric fees CI\$300.00;
- (h) Wheelchair rental CI\$73.80 (for 2 months);
- (i) Parking in US for Doctors appointments 30 visits CI\$49.20.
- (j) Orthotics (Ankle brace/Arch support) CI\$22.14.
- (k) MRI CI\$ 1,197.82.
- (l) Radiology CI\$ 55.76.

(m) Anesthesia CI\$ 1,886.76.


(n) Presbyterian Healthcare Associates CI\$ 191.88.

8. Plaintiff also claims for the future cost of medication and the cost of future surgery.
9. The Plaintiffs earning capacity has been reduced as a result of the injury and the Plaintiff will claim for future loss of earnings capacity/handicap on the labour market.
10. The Plaintiff will also claim for general damages.
11. The Plaintiff also claims interest on any sum due pursuant to section 34 of the Judicature Law at such rate and for such period as his Honorable Court deems just.

AND THE PLAINTIFF CLAIMS:

1. Damages;
2. Interest pursuant to the Judicature Law and the Grand Court Rules;
3. Costs;
4. Such further and/or other relief as may be just.

Dated the day of March 2005.


RITCH & CONOLLY
Attorneys at Law for the Plaintiff

If, within the time limited for returning the Acknowledgement of Service the Defendant pays the amount claimed to the Plaintiff or its attorneys further proceedings will be stayed.

TO: The Clerk of the Court
AND TO: The Dwayne Edwards of P.O. Box 30541 SMB, Grand Cayman,
 Cayman Islands.
AND TO: Arista Engineering Co Ltd. of P.O. Box 30541 SMB, Grand Cayman,
 Cayman Islands.

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ARISTA ENGINEERING CO. LTD.

SECOND DEFENDANT

**ACKNOWLEDGEMENT 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 Judgement 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 judgement 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

Messrs. Ritch & Conolly
PO Box 1994 GT
Grand Cayman

Ref: #9502 [AHP]

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