

CAUSE NO. ²³³ OF 2005

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN:

THE CAYMAN ISLANDS HEALTH SERVICES AUTHORITY



AND

BRITISH AMERICAN INSURANCE COMPANY LIMITED

DEFENDANT

WRIT OF SUMMONS

TO: **British American Insurance Company Limited**
P.O. Box 10389APO
George Town, Grand Cayman



THIS WRIT OF SUMMONS has been issued you by the above-named Plaintiff in respect of the claim set out in the attached Statement of Claim:

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, P.O. Box 495GT, Grand Cayman, the accompanying Acknowledgement of Service form stating therein whether you intend to contest the proceedings.

If you fail to satisfy the claim or fail to return the Acknowledgement of Service 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, without any further notice to you.

Issued the 17th day of May, 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 Acknowledgement of Service are given with the accompanying form.

GENERAL ENDORSMENT

1. The Plaintiff as a body corporate established under and by virtue of the Health Services Authority Law 2003 (Revision) claims against the Defendant, an approved provider licensed as an insurer under the Insurance Law 2002 (Revision) to provide standard health insurance contracts the sum of CI\$173,525.29 being the amount of claims made by the Plaintiff due to a Health Care Facility established and operated by the Plaintiff to which said claims the Defendant has wrongfully refused to respond, process or pay.
2. Further and or alternatively, the Plaintiff claims against the Defendant the said sum of CI\$173,525.29 as damages for breach of contract and or breach of statutory duty, by the Defendant.
3. Interest on any amount found to be due to the Defendant under the provisions of the Health Insurance Regulations 2002 and the 2004 amendment thereto and pursuant to section 34 of The Judicature Law and the Grand Court Rules 1995.
4. Costs
5. Further or other relief that seem just.

If, within the time for returning the Acknowledgement of Service, the Defendant pays the total amount claimed CI\$173,525.29, and interest and costs further proceedings will be stayed. The money must be paid to the Plaintiff and or his Attorney-at-Law.

A handwritten signature in black ink, appearing to read 'Keith Myers', written over a horizontal line.

Keith Myers, Attorney-at-Law for the Plaintiff

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2005

BETWEEN: THE CAYMAN ISLANDS
HEALTH SERVICES AUTHORITY Plaintiff

AND: BRITISH AMERICAN Defendant
INSURANCE COMPANY LIMITED

ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS

Important. Read the accompanying Direction 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 executive against any judgment entered by the Plaintiff (tick box).

Yes

Service of the Writ is acknowledged accordingly

(Signed).....
[Attorney] for
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 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, below.

Mr. Keith Myers
Legal Counsel for the
Health Services Authority
Attorney-at-Law, Barrister
P.O. Box 915, George Town
Grand Cayman

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

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete and 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.

Claim No. _____

**IN THE GRAND COURT OF THE
CAYMAN ISLANDS**

B E T W E E N:

**CAYMAN ISLANDS HEALTH
SERVICES AUTHORITY**

PLAINTIFF

-and-

**BRITISH AMERICAN INSURANCE
COMPANY LIMITED**

DEFENDANTS

WRIT OF SUMMONS

**Keith Myers
Legal Counsel for the Health Services
Attorney-at-Law
Board of Directors Office
c/o 2nd Floor George Town Hospital
George Town
Grand Cayman
Cayman Islands**