

Writ of Summons (O.6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. 5100F 2005

BETWEEN
AND:

ZOION SHAW
HOWARD SCOTT VERNON

PLAINTIFF
DEFENDANT

SPECIALLY ENDORSED WRIT OF SUMMONS

TO THE DEFENDANT: HOWARD SCOTT VERNON, 7 Tibbetts Lane, Northward
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 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 4 day of November 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 Acknowledgment of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. On 19 November 2002, the defendant, so negligently drove a motor vehicle and trailer, registration number 80039 & 44745, across the junction at the Crewe Road intersection with North Sound Round and Thomas Russell Way, that it collided with the Plaintiff's motor vehicle registration number 89 367.
2. The Plaintiff was traveling across the intersection in his motor vehicle towards North Sound Road from Russell Thomas Way and whilst about 24 feet across the Defendant who was traveling in the opposite direction drove across and into the Plaintiff's motor vehicle.

PARTICULARS OF NEGLIGENCE

- (a) Driving too fast in the circumstances
 - (b) Driving or attempting to drive his motor vehicle across the path of the Plaintiff.
 - (c) Turning or attempting to turn from North Sound Road onto Shedden Road across the path of the Plaintiff when it was unsafe and dangerous so to do.
 - (d) Failing to stop or to wait in the road until the Plaintiff passed him in safety before turning or attempting to turn to his right.
 - (e) Failing to see the Plaintiff in sufficient time to avoid crossing or attempting to cross his path or at all.
 - (f) Failing to give any or any sufficient or timely warning or signal of his intention to turn right across the path of the Plaintiff.
 - (g) Failing to keep any or any proper lookout or to have any or any sufficient regard for any other traffic.
 - (h) Failing to stop, to slow down, to swerve, or in any other way so to manage or control the motor vehicle so as to avoid the collision.
3. Further the Defendant was convicted on 7 January 2003 by the Summary Court sitting at George Town Grand Cayman of the offence of Careless driving contrary to section 69 of the Traffic Law (1999 Revision). The said conviction is relevant to the issue of negligence and the Plaintiff intends to rely on it as evidence in this action.
 4. By reason of the matters aforesaid, the Plaintiff sustained personal injuries and has suffered loss and damage.

PARTICULARS OF INJURIES

The Defendant's date of birth is 1 February 1949. Following the accident on 19 November 2002, the Plaintiff did not lose consciousness but suffered injuries, which included a severe neuromuscular insult to his neck.

PARTICULARS OF SPECIAL DAMAGE

Date	Description	Costs (CIS)
13 December 2002	Chiropractor - medical expenses	CI\$3,255.00
27 October 2003	GT Hospital	US\$311.00
19 November 2002	Loss of income (x4 months)	CI\$20,000

AND the Plaintiff claims:

- (i) Damages
- (ii) Further, pursuant to The Judicature Law (1995 Revision), the Defendant is entitled to and claims interest on such sums as are found to be due at such rate and for such period as the Court shall think fit.
- (iii) Costs



WOODWARD TERRY & COMPANY

THIS WRIT was issued by Clyde H. Allen whose address for service is Woodward Terry & Company, Attorneys-At-Law PO Box 822 GT, Jack & Jill Building, Fort Street, Grand Cayman, Cayman Islands, BWI.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. 510 OF 2005

BETWEEN
AND:

ZOION SHAW
HOWARD SCOTT VERNON

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 appropriate box*)

yes no

3. If the claim against the Defendant is for a debt or a 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

Address for service: (please see overleaf)

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.

C. H. Allen
Woodward Terry & Company
Attorneys-At-Law
PO Box 822 GT
Jack & Jill Building
Fort Street
Grand Cayman
Cayman Islands

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