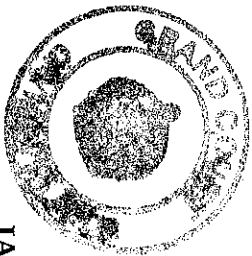


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 2002 OF 2006

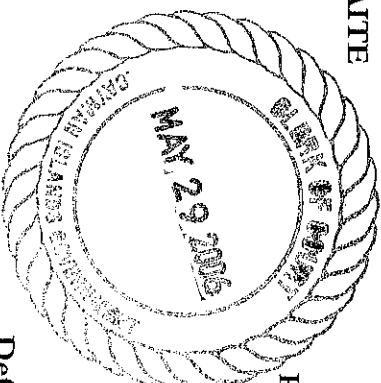
BETWEEN:

JACQUELINE ANDERSON-WAITTE



AND

JASON PHILLIP RANKIN



Plaintiff

Defendant

WRIT OF SUMMONS

TO: Jason Phillip Rankin
43 Selkirk Drive
P.O. Box 1860GT
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 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 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 *24* day of May 2006

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.

INDORSEMENT OF INSURER

The Plaintiff's claim arises out of the use of a motor vehicle on a public road. The insurer of the Defendant named herein is British Caymanian Insurance Company Ltd. The address for service is PO Box 74 GT, 236 Eastern Avenue, Grand Cayman, Cayman Islands.

STATEMENT OF CLAIM

1. The Plaintiff, Jacqueline Anderson-Waite, is an individual who at all times material to issues in this proceeding was a resident of the Cayman Islands. Her address for service is in care of her attorneys, Appleby Spurling Hunter, P.O. Box 190 GT, Grand Cayman, Cayman Islands.
2. The Plaintiff was, at 25 November 2003, the owner and operator of a Nissan Sunny bearing registration number Q3701 (hereinafter the **"Plaintiff's vehicle"**).
3. The Defendant, Jason Phillip Rankin, is an individual who at all times material to issues in this proceeding was a resident of the Cayman Islands. The Defendant was, at 25 November 2003, the owner and operator of a Honda Accord bearing registration number 82262 (hereinafter the **"Defendant's vehicle"**).
4. On Sunday 25 November 2003 an accident occurred involving the Plaintiff's vehicle, and the Defendant's vehicle. The details of which are as follows:
 - a. On 25 November 2003, at approximately 6:24 pm, the Plaintiff was travelling west towards George Town on Shamrock Road. As the Plaintiff approached the intersection of Shamrock Road and Caskwell Drive, she slowed and came to a complete stop to give way to those vehicles with the lawful right of way travelling east in the adjacent lane. The Plaintiff signalled that she was waiting to turn right onto Caskwell Drive. At the same time, the Defendant's vehicle struck the Plaintiff's vehicle straight on from the rear.
 - b. Due to the speed of the Defendant's vehicle, the impact of the collision was sufficient enough to cause the Plaintiff to be driven back onto her seat and then recoil forward forcefully twice causing her to strike her head on the headrest and possibly other parts of the interior of the vehicle.
 - c. Visibility was clear and road conditions were dry.
 - d. The road was in good condition and traffic was light at the time of the accident.
 - e. The Plaintiff was operating her vehicle appropriately at the time of the accident and she was operating her vehicle on the correct side of the road. The Plaintiff's vehicle was at a full stop at the time of the collision and all appropriate driving lights and traffic indicators were in use and were functioning properly.

5. The Defendant caused the accident by failing to keep control of his vehicle and slamming his vehicle into the Plaintiff's vehicle.
6. The Plaintiff makes claim for injuries sustained and damages incurred as a result of the said accident pursuant to *The Torts (Reform) Law (1996 Revision)* and the common law. The Plaintiff states that the Defendant negligently operated the Defendant's vehicle and as a result of such negligence caused the above-described accident.

PARTICULARS OF NEGLIGENCE

7. The accident and subsequent injuries to the Plaintiff resulted from the Defendant's negligence in the operation of his motor vehicle. The particulars of the Defendant's negligence are as set out below:
 - a. In operating his vehicle at such speed, in excess of the posted speed limit of 30 m.p.h.;
 - b. In operating his vehicle in such a manner and at such distance from the Plaintiff's vehicle that he was unable to stop in an emergency without being able to avoid a collision, contrary to Section 60(f)-(g) of the *Traffic Law (2003 Revision)*;
 - c. In failing to keep any or, alternatively, any proper lookout;
 - d. In failing to operate his vehicle in such a manner that he would be able to stop within the limit of vision at any given time;
 - e. In failing to observe the Plaintiff's vehicle;
 - f. In failing to give prior warning of any intended manoeuvre by means of the prescribed hand or traffic indicator signals;
 - g. In failing to apply his brakes or direct the course of his motor vehicle so as to avoid a collision with the Plaintiff's vehicle;
 - h. In failing to drive in a manner as to have full control of his vehicle at all times and in driving in a careless manner;
 - i. In failing to comply with all traffic signs and signals;
 - j. In failing to operate his motor vehicle with due care and attention and, or alternatively, without reasonable consideration for other persons using the road as both motorists and as passengers of vehicles and, or alternatively, at a speed that was excessive relative to the road, traffic, visibility or weather conditions;

- k. In operating his vehicle when he was an incompetent driver lacking any reasonable skill or self-command and ought not to have attempted to operate a motor vehicle; and,
- l. Such further and other negligent acts, omissions or statutory breaches as may be discovered or disclosed prior to trial.
- 8. The fact the Defendant drove his vehicle into the Plaintiff's vehicle, which was at a complete stop at the time of the collision is evidence in itself of negligence and breach of the common law and statutory duties that the Defendant owed to the Plaintiff. The Plaintiff pleads and relies on the doctrine of *res ipsa loquitur*.
- 9. By reason of the Defendant's negligence the Plaintiff has suffered serious physical injuries and has suffered pain and has suffered past and will continue to suffer future losses and damages all of which the Defendant is responsible for at law and in equity.

PARTICULARS OF INJURIES

- 10. As a result of the accident, the Plaintiff suffered injuries which are summarised, but not limited to, as follows:
 - a. Initial trauma, whiplash injury and pain to neck;
 - b. Sudden onset of sharp pain down spinal cord, across lower back, in right shoulder and on right side of neck;
 - c. Intermittent neck and back pain, occasional burning and tightness in muscles;
 - d. Occasional tingling in lower extremities;
 - e. Back strain;
 - f. General bruising, discomfort and tenderness for the full length of the spine; and,
 - g. Ongoing pain and discomfort.
- 11. At the time of the accident, the Plaintiff was 26 years of age (date of birth 27 August 1977). She enjoyed excellent health and lived a full and busy work and social life prior to the accident. As a result of the negligence of the Defendant, the Plaintiff has suffered loss or damage as follows:
 - a. loss of income;
 - b. loss of professional opportunity;

- c. special damages for medical care and other expenses arising from the accident and her injuries;
 - d. general damages for pain, suffering and loss of amenities;
 - e. pre-judgment and post-judgment interest in accordance with the Judicature Law (as amended); and,
 - f. such other loss as may later be claimed.
12. The Plaintiff will provide specific details of the claim for special damages prior to trial.
13. As a result of the above, the Plaintiff is entitled to the relief claimed in this proceeding.

AND THE PLAINTIFF CLAIMS as follows:

- i. Loss of income;
- ii. Loss of professional opportunity;
- iii. Special damages for medical care and other expenses arising from the accident and her injuries;
- iv. General damages for pain, suffering and loss of amenities;
- v. Pre-judgment and post-judgment interest in accordance with the Judicature Law (as amended); and,
- vi. Such other loss as may later be claimed; and,
- vii. Such further and other relief as this Honourable Court deems appropriate.

Dated: *19* May 2006

Appleby Spurling Hunter
Appleby Spurling Hunter
Attorneys-at-Law for the Plaintiff

TO: The Clerk of the Court
Court House
Grand Cayman

AND TO: The Defendant
British Caymanian Insurance Company Limited
236 Eastern Avenue
P. O. Box 74 GT
Grand Cayman, Cayman Islands

Filed by Appleby Spurling Hunter, Attorneys-at-Law for the Plaintiff, whose address for service is 75 Fort Street, P. O. Box 190 GT, George Town, Grand Cayman (Ref: WS/10140.001)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: ²⁰² OF 2006

B E T W E E N:

JACQUELINE ANDERSON-WAITE

Plaintiff

AND

JASON PHILIP RANKIN

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.
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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

Service of the Writ is acknowledged accordingly

_____ Dated:

Attorneys 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.

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

Appleby Spurling Hunter
Attorneys-at-Law
Clifton House
75 Fort Street
P.O. Box 190 GT
George Town
Grand Cayman
Ref. WAS/10140/001

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