

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2006

558

BETWEEN:

RICARDO HENRIQUEZ

First Plaintiff

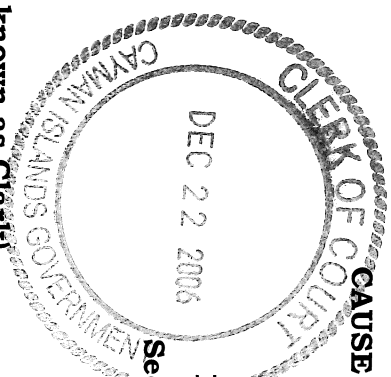
MARIA HENRIQUEZ BAEZ

Second Plaintiff

AND:

ANNE RUTH MILLER (also known as Clark)

Defendant



TO: [Address of Defendant]

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 to return to the Court Office, P.O. Box 495, Grand Cayman KY1-1106, Cayman Islands, the accompanying Acknowledgement of Service stating therein whether you intend to contest the proceedings.

If you fail to satisfy the claim or to return the Acknowledgment 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 22nd day of December 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.

GENERAL ENDORSEMENT:

THE PLAINTIFFS' CLAIMS ARE FOR:

1. On 24th December, 2003 the Defendant drove her motor vehicle on the West bay Road, Grand Cayman in a negligent manner so as to cause an accident with a scooter driven by the first Plaintiff and on which the second Plaintiff was a passenger. As a result of the accident the Plaintiffs suffered loss, damage and injury.
2. Damages.
3. Costs.
4. Interest

DATED this 22 day of December, 2006

FILED this 22 day of December, 2006



L.A. Samson & Co.

Attorneys at Law for the Plaintiffs

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, PO Box 495, George Town, Grand Cayman.

2. A Defendant who states in his acknowledgement 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 endorsed on the Writ (i.e. the words Statement of Claim appeared on the page 2), the Defence must be served within 14 days after the time of 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 endorsed on the Writ, the defence need not to 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 judgement 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 judgement 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 Acknowledgement 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 installments or otherwise.

See over for notes for guidance

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 is 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 name, with the addition in paragraph 1 of the description 'Partner in the firm' 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. When 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 his behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by his Attorney acting for a guardian *ad litem*
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

NOTES ON ADDRESS FOR SERVICE

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the box. 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 Cayman where communications for him should be sent. In the case of a limited company means its registered or principal office.

Indorsement by Plaintiffs

L.A. Samson & Co
Attorneys for the Plaintiffs
PO Box 446 GT
3rd Floor Genesis Building
George Town
Grand Cayman

To: Ann Miller (also known as Clark)