

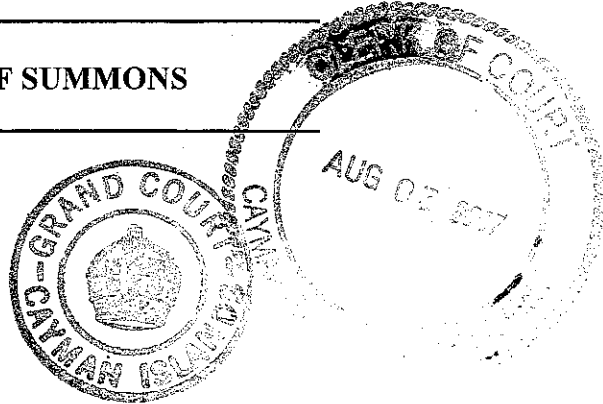
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ³³² OF 2007

BETWEEN: (1) ALVERO MELERO FIRST PLAINTIFF
(2) ANNE NEUBARTH SECOND PLAINTIFF
AND: SUSAN CHIN DEFENDANT

WRIT OF SUMMONS

TO: SUSAN CHIN
62 Harquail Drive
George Town
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, PO Box 495, Grand Cayman KY1-1106, Cayman Islands, the accompanying Acknowledgement of Service stating whether you intend to contest these proceedings.

If you fail to satisfy the claim or 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 judgment may be entered against you forthwith without further notice.

Issued this 3rd day of August 2007.

NOTE – This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of jurisdiction, 6 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. At all material times the First Plaintiff was the owner and rider of Vespa LX25 scooter registration number 115 374 ("Plaintiff's vehicle").
2. At all material times the Second Plaintiff was the pillion passenger behind the First Plaintiff on the Plaintiff's vehicle.
3. At all material times the Defendant was the owner and driver of a Honda Civic motor vehicle registration number 104 319 ("Defendant's vehicle").
4. The First and Second Plaintiff are lawfully employed and resident in the Cayman Islands.
5. On 5th June 2006 at approximately 4.45pm the First Plaintiff was riding the Plaintiff's vehicle within the lawful speed with the Second Plaintiff behind him as a pillion passenger in southerly direction on West Bay Road, George Town, Grand Cayman, Cayman Islands in or about the vicinity of the J Michael clothing outlet. The Defendant proceeded out of the car park at the J Michael clothing outlet. The Defendant proceeded to travel between the line of stationary motor vehicles to gain access to the north bound lane on West Bay Road. The Defendant emerged suddenly and without warning from between the stationary vehicles into the path of the Plaintiff's correctly proceeding vehicle and in so doing collided with the Plaintiff's vehicle ("the Collision").
6. The First Plaintiff had no opportunity to avoid the collision.
7. The collision was caused as a result of negligence and/or breach of statutory duty of the Defendant.

PARTICULARS OF NEGLIGENCE

- (a) The Defendant drove without due care and attention with regard to all the circumstances;
- (b) The Defendant failed to remain in care and control of her motor vehicle at all times;

- (c) The Defendant's vehicle emerged directly into the path of the Plaintiff's correctly proceeding vehicle;
- (d) The Defendant drove too fast in all the circumstances;
- (e) The Defendant failed to apply her brakes in time or at all;
- (f) The Defendant failed to keep any or any proper lookout;
- (g) The Defendant failed to adequately or at all heed or act upon the presence or position of the Plaintiffs vehicle;
- (h) The Defendant failed to stop, slow down, swerve or otherwise manage to control her vehicle as to avoid the collision;
- (i) The Defendant failed to exercise the degree of skill and care to be expected of the average competent motorist in the circumstances;
- (j) The Defendant failed to take adequate care for the safety of the First and Second Plaintiff;
- (k) The Defendant failed to give way to the Plaintiff's correctly proceeding vehicle;
- (l) The Defendant exposed the First and Second Plaintiff to the foreseeable risk of injury.

8. By reason of the Defendant's aforesaid negligence and breach of duty, the First and Second Plaintiff suffered personal injury, loss, damage and expense.

PARTICULARS OF INJURY OF THE FIRST PLAINTIFF

The First Plaintiff, who was born on 6th December 1969 was aged 36 at the time of the accident. The First Plaintiff is a banker.

The First Plaintiff suffered a lacerations and bruises to his hands and elbows, which have resulted in scarring.

The First Plaintiff reserves the right to obtain and serve updated medical evidence.

PARTICULARS OF INJURY OF THE SECOND PLAINTIFF

The Second Plaintiff, who was born on 4th February 1978 was aged 28 at the time of the accident. The Second Plaintiff is a bartender.

The Second Plaintiff sustained a puncture wound to her left, bruising and soft tissue injury to left knee and left ankle. The Second Plaintiff was discharged from hospital on crutches and was signed off work for a period of two weeks.

The Second Plaintiff's injuries to her left knee and left ankle are still ongoing.

The Second Plaintiff reserves the right to obtain and serve updated medical evidence.

PARTICULARS OF LOSSES AND EXPENSES OF THE FIRST PLAINTIFF

- | | | | |
|-----|--|---|-------------|
| (a) | Repairs to scooter | - | CI\$1331.55 |
| (b) | Replacement of two motorcycle helmets
The cost of the individual helmets were CI\$159.00 and
CI\$99.00. | - | CI\$258.00 |
| (c) | Police report | - | CI\$75.00 |
| (d) | Loss of use
The First Plaintiff was without the use of the Plaintiff's
vehicle for a period of 30 days and claims CI\$10.00 per day. | - | CI\$300.00 |

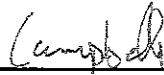
PARTICULARS OF LOSSES AND EXPENSES OF THE SECOND PLAINTIFF

- (a) Medical expenses - CI\$1,099.80
 - (b) Loss of earnings - CI\$1,600.00
 - (c) Gratuitous care - CI\$420.00
The First Plaintiff, notwithstanding his own injuries spent 2 hours per day for 14 days assisting the Second Plaintiff with normal daily tasks, such as bathing, dressing wounds, assistance in ascending and descending stairs, obtaining medication and trips to the hospital.
9. The First and Second Plaintiff claims interest at the prevailing statutory rate.

WHEREFOE THE FIRST AND SECOND PLAINTIFF claims:

- (a) General damages;
- (b) Special damages;
- (c) Pre-Judgment interest in accordance with section 34 of the Judicature Law (1995 Revision)
- (d) Post-Judgment interest in accordance with section 34 of the Judicature Law (1995 Revision)
- (e) Further and/or other relief; and
- (f) Costs

Dated this 3rd day of August 2007.



CAMPBELLS
Attorneys at Law for the Plaintiff

ENDORSEMENT AS TO INSURER OF MOTOR VEHICLE

The Plaintiffs claim arises out of the use of a motor vehicle on a public road. The insurer of the Defendant named herein is **The Insurance Company of the West Indies (Cayman) Limited**, PO Box 461, 93 Hospital Road, George Town, Grand Cayman KY1-1106, Cayman Islands.

THIS STATEMENT OF CLAIM was filed by Campbells, Attorneys-at-Law for the First and Second Plaintiff whose address for service is 4th floor, Scotia Centre, George Town, Grand Cayman Tel 949 2648 Fax: 949 8613 (Ref: STM/gh/13656)

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, P.O. Box 495, George Town, Grand Cayman

2. A Defendant who states in his Acknowledgment 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 indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for 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 indorsed on the Writ, the Defence need not 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 judgment 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 judgment 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 Acknowledgment 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 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 his 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.

BETWEEN: (1) ALVERO MELERO FIRST PLAINTIFF
 (2) ANNE NEUBARTH SECOND PLAINTIFF
 AND: SUSAN CHAIN 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 the Defendants whereby they 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 judgment 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.

Campbells .
Attorneys-at-Law
P.O. Box 884
Fourth Floor
Scotia Centre
George Town,
Grand Cayman KY1-1103
Cayman Islands
Ref: STM/gh/13656

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