

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 39 OF 2008

BETWEEN DR. KANTAMNENI VIVEKANAND

PLAINTIFF

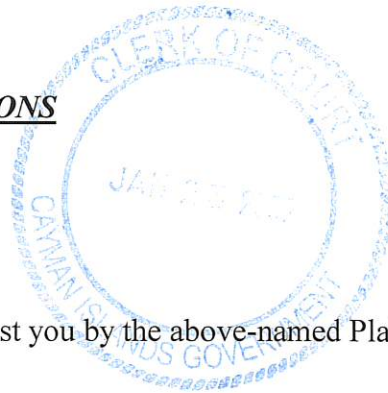
AND PATRICK CAMPBELL

DEFENDANT



WRIT OF SUMMONS

TO: PATRICK CAMPBELL
58 Antoinette Avenue
Grand Cayman



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 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 Acknowledgement of Service, stating therein 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 judgement may be entered against you forthwith without further notice.

Issued this day of 2008

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.

ENDORSEMENT

The Plaintiff claims against the Defendant to recover damages for personal injuries in that on or about the 23rd day of June 2007 the Defendant so negligently drove and operated his Ford F-150 motor vehicle licensed 97 373 along North Sound Road in the vicinity of the Jacques Liquor Store, George Town, Grand Cayman, in a southerly direction that he caused the same to violently collide with Isuzu Rodeo motor vehicle licensed 105 401 owned and driven by the Plaintiff along the same road and in the same direction as the Defendants and in which the Plaintiff was a belted driver and thereby occasioned loss and injury to the Plaintiff.

AND THE PLAINTIFF CLAIMS:

1. Damages;
2. Interest pursuant to the Judicature Law;
3. Costs.

Dated this 14th day of December 2008.



Murray & Westerborg
Plaintiff's Attorneys-at-Law

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2008

BETWEEN DR. KANTAMNENI VIVEKANAND

PLAINTIFF

AND PATRICK CAMPBELL

DEFENDANT

STATEMENT OF CLAIM

1. The Plaintiff, a resident of Selkirk Drive, Red Bay, Grand Cayman, is a licensed medical practitioner in the Cayman Islands and was at all material times was the owner and belted driver of Isuzu Rodeo motor vehicle licensed 105 401 along North Sound Road, George Town, Grand Cayman in the vicinity of The Jacques Scott Liquor Store.
2. The First Defendant was at all material times the owner and driver of Ford F-150 motor vehicle licensed 97 373 and a resident of the Cayman Islands.
3. On or about the 23rd day of June 2007 the Plaintiff was a belted driver of the aforesaid Isuzu Rodeo motor vehicle travelling in a southerly direction along North Sound Road, George Town, Grand Cayman, in the vicinity of the Jacques Scott Liquor Store when the Defendant so negligently drove, managed and controlled the aforesaid Ford F-150 motor vehicle along the said North Sound Road in a southerly direction and thereby caused or permitted the same to violently collide with the aforesaid Isuzu Rodeo motor vehicle driven by the Plaintiff as aforesaid.
4. That the cause of the said accident was the negligent driving of the Defendant.

Particulars of Negligence

- (a) Driving at an excessive speed in all the circumstances;
 - (b) Failing to keep any or any proper look-out or to have any or any sufficient regard for other traffic on the said road;
 - (c) Failing to have or to keep any or any proper control of the said motor-vehicle;
 - (d) Colliding into the rear of the vehicle being driven by the Plaintiff;
 - (e) Failing to stop, to slow down, to swerve or in any other way so to manage or control the said motorcar as to avoid the said collision.
5. By reason of the matters aforesaid, the Plaintiff sustained severe injuries and has suffered loss and damage, which are still continuing. Up to date details of the same will be provided prior to trial hereof.

Particulars of Injuries

- (a) Severe bruising over the right iliac crest;
- (b) Severe back pain;
- (c) Severe spasm in his back;
- (d) Inability to sit, stand or lay down
- (e) Severe spasm in the paravertebral muscles in the lumbar region;
- (f) Significant ligamentous injury to lower back resulting in instability in the lower back with irritation of the nerve root resulting in referred pain going down the back of the thigh to the right leg.
- (g) Significant disability and pain of lower back lumbosacral region;
- (h) Pain the right gluteal region and right thigh;
- (i) Marked tenderness in both sciatic notch;
- (j) Severe spinal stenosis at the L4 and L5 levels;
- (k) Disc sequestration.

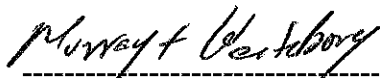
Particulars of Special Damages (to Date)

i) Medical Costs (Continuing)	CI\$4,302.88
ii) Cost of Traffic Accident Report	CI\$ 75.00
(iii) Cost of Interim Medical Reports	<u>CI\$1,500.00</u>
	CI\$5,877.88

AND THE PLAINTIFF CLAIMS:

1. Damages
2. Interest pursuant to the Judicature Law
3. Costs.
4. Future Medical Costs.
5. Loss of Income (details to be provided in Separate Schedule prior to trial).
6. *Smith vs. Manchester* Award.

Dated the 14th day of October 2008



Murray & Westerborg
Plaintiff's Attorneys-at-Law

Acknowledgment of service of writ of summons (O.12, r.3)

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 495G, 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 instalments or otherwise.

See over for notes for guidance

Please complete overleaf

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 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2008

BETWEEN DR. KANTAMNENI VIVEKANAND PLAINTIFF

AND PATRICK CAMPBELL DEFENDANT

ACKNOWLEDGEMENT 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 judgement being entered against a Defendant whereby he May have to pay the costs of applying to set it aside.

1. State the name of the Defendant by whom or on whose behalf the service of this Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick the 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 judgement 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 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 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:

MURRAY & WESTERBORG
Attorneys-at-Law
Second Floor (East Wing)
FIS Building
196 Shedden Road
George Town
Grand Cayman

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