

IN THE GRAND COURT OF THE CAYMAN ISLANDS

Between:



CAUSE NO: 20170 OF 2008

HOPE BARNETT as mother, dependent and administrator of the estate of HEYVEN STANFORD RANKINE (Deceased)

Plaintiff

And

MARVIN GRANT

First Defendant

And

CHARLES CHUCK

Second Defendant



WRIT OF SUMMONS

**TO: Marvin Grant
East End
John McLean Drive**

And

**Charles Chuck
East End**

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 28th day of March 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 Acknowledgment of Service are given with the accompanying form.

INDORSEMENT

The Plaintiffs claim as mother and dependent of the late Heven Stanford Rankine and as next friend of Vanessa Rankine (daughter of Heven Stanford Rankine) against Marvin Grant, First Defendant and Charles Chuck, Second Defendant under the Torts (Reform) Law 1996 Revision and the Estate Proceedings Law (1995 Revision), for loss and damages in respect of the death of the said Heven Stanford Rankine caused by the negligent driving of the said Marvin Grant, First Defendant as servant or agent of the said Charles Chuck, Second Defendant on or about the 31st March 2007 at Seaview Road, East End.

STATEMENT REGARDING INSURER

The Second Named Defendant was insured by British Caymanian Insurance



Samson & McGrath

**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.

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.

Samson & McGrath
Attorneys at Law
3rd Floor Genesis Building
Genesis Close
PO Box 446
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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

Between:

CAUSE NO: OF 2008

**HOPE BARNETT as mother, dependent and administrator of the estate of HEVEN
STANFORD RANKINE (Deceased)**

Plaintiff

And

MARVIN GRANT

First Defendant

And

CHARLES CHUCK

Second Defendant

STATEMENT OF CLAIM

1. The Plaintiff is the mother of the late Heven Stanford Rankine and was at all material times to this action a dependant of the deceased.
2. On or about the 31st day of March 2007 while the deceased was a passenger in a vehicle driven by the first named defendant, acting as servant or agent of the owner of the vehicle being the second defendant, the first named defendant drove the said vehicle in such a negligent manner that the vehicle left the road and crashed in the vicinity of Seaview Road, East End causing the death of the said Heven Stanford Rankine.

PARTICULARS OF NEGLIGENCE

3.
 - (a) Failing to manage or control the said vehicle so as to avoid losing control of the vehicle.
 - (b) Failing to apply the brakes on time or at all so as to avoid a collision.
 - (c) Driving too fast in the circumstances
 - (d) Failing to keep a proper look out
 - (e) Driving dangerously and or carelessly
 - (f) The said accident and resultant death of the deceased was caused by the negligent driving of the First Defendant.

4. In consequence of the matters aforesaid, the deceased received such injuries that he died on the 3rd April 2007.

5. This action has been brought pursuant to the Torts (Reform) Law (1996 Revision) and the names of the persons for whose benefit this action has been brought are:

- (1) Hope Barnett, mother of the deceased
- (2) Vanessa Rankine, daughter of the deceased, born on the 4th March 1999.
- (3) Other persons who may have been entitled on the death of the deceased to a share of his estate pursuant to the Succession Law and any other person who was a dependent of the deceased, such persons to be determined.

6. As a result of the negligence of the Defendants the Plaintiff and the dependants of the deceased have suffered loss and damage. This loss and damage is for loss of dependency, funeral, medical and travel expenses and bereavement.

AND THE PLAINTIFF claims:

1. Damages
4. Costs on an indemnity basis or standard basis in accordance with the Court Costs Rules 2001; and
5. Such further and other relief as this Court may deem just

Dated this 28th day of March 2008


Samson & McGrath