

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HELD AT GEORGE TOWN, GRAND CAYMAN

G0177

CAUSE NO. ~~7~~ OF 2008

BETWEEN: ROBERT BODDEN PLAINTIFF
A N D: TOP NOTCH CONSTRUCTION 1ST DEFENDANT
A N D: LEONARD EBANKS 2ND DEFENDANT
A N D: WENDEL SCOTT 3RD DEFENDANT

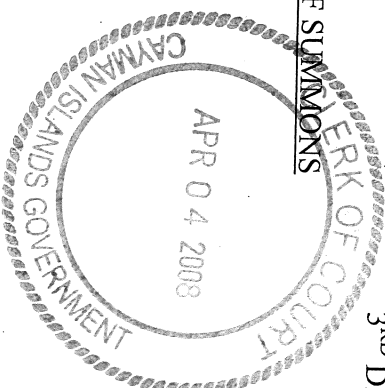


WRIT OF SUMMONS

To: Top Notch Construction
54 Lemon Road,
Northward.

And To: Leonard Ebanks
26 Our Haven Way
Off Crewe Road
George Town.

And To: Wendel Scott
54 Lemon Road
Northward.



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 the Writ on you counting the day of service you must either satisfy the claim or return to the Court Office P. O. Box 495 G.T. Grand Cayman, Cayman Islands stating therein whether you intend to contest the proceedings.

If you fail to satisfy the claim or to 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 April, 2008.

NOTE- This Writ may not be served later than 4 calendar months (or if leave is required for service out of the jurisdiction, 6 months) beginning with the date of issue unless renewed by order of the court.

Service of the Writ is hereby acknowledged.

(Signed) _____

[Attorney] for

[Defendant in person]

Address for service

Notes on address for service

Attorney: Where the Defendant/s is being 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/s 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.

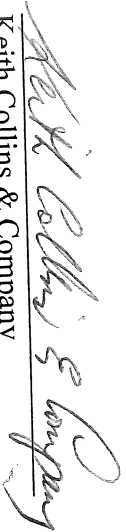
Indorsement by Plaintiff's Attorney (or by Plaintiff if suing in person) of his name, address and reference, if any, below.

[Keith Collins & Company]
[Attorneys-at-Law for the Plaintiff]
[Unit 207, 2nd Floor, Elizabethan Sq.]
[George Town, Grand Cayman]

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

[]
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[]
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[]

If within the time for returning the Acknowledgement of Service the Defendant pays the total amount claimed including interest and costs further proceedings will be stayed.

A handwritten signature in cursive script, appearing to read "Keith Collins & Company".

Keith Collins & Company
Attorneys-at-Law for the Plaintiff

STATEMENT OF CLAIM

1. That the Plaintiff was at all material times an employee of the First, Second and Third Defendants.
2. That the Plaintiff was instructed by Top Notch Construction to construct a roof at Ryan's Retreat and on the 5th day of April, 2005 unknown to the Plaintiff the ladder provided to him by Top Notch Construction was defective and as a result the Plaintiff fell off the ladder as he approached the roof to do an inspection.
3. That the Defendants acknowledge liability by paying the Plaintiff his salary for three and a half months but have refused to compensate him for his medical bills and pain and suffering.

PARTICULARS OF NEGLIGENCE

1. Failure to provide the Plaintiff with proper equipment with which to carry out the job.
2. Failure to provide the necessary assistance which in all the circumstances was required for the Plaintiff's safety.

PARTICULARS OF SPECIAL DAMAGES

1. Medical expenses from Chrissie Tomlinson Memorial Hospital totaling
C.I.\$16, 899.90.
General Damages C.I.\$50,000

AND THE PLAINTIFF CLAIMS

- a) Special Damages C.I.\$16, 899.90
- b) General Damages
- c) Pre Judgment and Post Judgment Interest.
- d) Cost

IMPORTANT

Directions for acknowledgement of service are given with the accompanying form.

This Writ was issued by Keith Collins & Company, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is that of his Attorneys-at-Law of Unit 207, 2nd Floor, Elizabethan Square, George Town, Grand Cayman.

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.