

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 655 OF 1996

BETWEEN: SHEM A POWERY

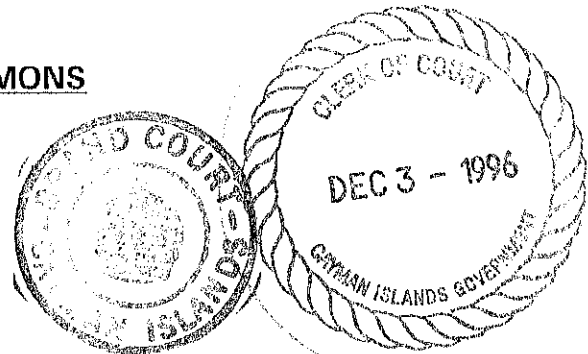
PLAINTIFF

AND: ELLESMERE BRITANNIA LTD (DBA/BRITANNIA)

DEFENDANT

WRIT OF SUMMONS

TO: ELLESMERE BRITANNIA LTD  
P O Box 1698, 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.

With [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 945G, 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 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 December 1996

NOTE - This Writ may not be served later than 4 calendar months (or, if leave is required to effect service 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 1996

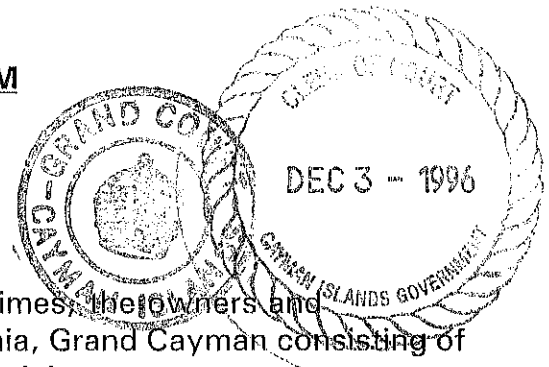
BETWEEN: SHEM A POWERY

PLAINTIFF

AND: ELLESMERE BRITANNIA LTD (DBA/BRITANNIA)

DEFENDANT

STATEMENT OF CLAIM



AND THE PLAINTIFF claims:

1. The Defendants are and were, at all material times, the owners and occupiers and developers of property at Britannia, Grand Cayman consisting of Hyatt Hotel, Britannia Golf Course and Condominiums.
2. The Plaintiff was, at all material times, employed by the Defendants as a painter at the said Britannia.
3. On, or about, the 15th day of July 1994 the Plaintiff, in the course of his said employment was painting the eaves of the Defendants building when the ladder he was standing on fell, as a consequence whereof the Plaintiff was thrown onto the ground whereof as a consequence the Plaintiff sustained severe injuries and suffered loss and damages.

Particulars of Injuries

- a) Fractured pelvis.
- b) Urethral disruption.
- c) Severe pain and suffering.
- d) Arthritis in pelvis and lower back.

Particulars of Special Damage

- a) Loss of earnings from 9th May 1996 to 9th December 1996 @ C.I\$ 1,440.00 per month. C.I\$ 10,080.00

4. The said injuries and loss and damage were occasioned to the Plaintiff by reason of a breach on the part of the Defendants, their servants or agents of their duty of care or breach of contract of employment or by reason of the negligence of the Plaintiff their servants or agents.

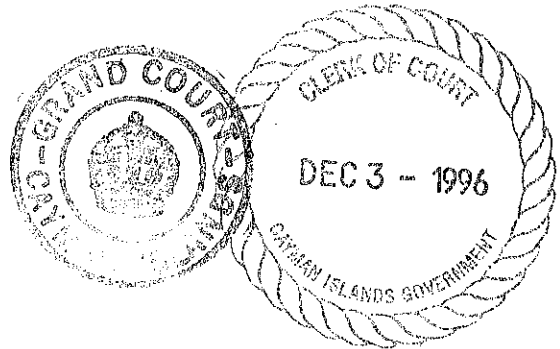
Particulars

- a) Failing to take any or any adequate precautions for the safety of the Plaintiff where he was engaged in carrying out his said work.
  - b) Exposing the Plaintiff to a risk of injury or damage of which they know or ought to have known.
  - c) Failing to provide any or adequate protection to prevent the said ladder from falling.
  - d) Failing to provide any or any safe or proper system of work.
5. On or about 19th July 1996, the Plaintiff was dismissed from his said employment by the Defendant, its servants or agents.

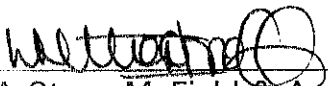
The above are the best particulars which the Plaintiff can give until after discovery.

AND THE PLAINTIFF claims:-

- 1. Special Damages at C.I\$ 10,080.00.
- 2. Damages.
- 3. Interest on damages pursuant to statute.
- 4. Further or other relief as the Court deem fit.



[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. The money must be paid to the Plaintiffs or his Attorney].

 SECRETARY FOR:-  
A Steve McField & Associates,  
Attorneys-at-Law for the Plaintiffs

THIS WRIT was issued by A Steve McField & Associates, whose address for service is P O Box 680, George Town, Grand Cayman, Attorneys for the Plaintiffs.



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 1996

BETWEEN: SHEM A POWERY PLAINTIFF

AND: ELLESMERE BRITANNIA LTD (DBA/BRITANNIA) 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 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 judgement entered by the Plaintiff (tick appropriate box).

Yes

No

Service of the Writ is acknowledged accordingly

(Signed) \_\_\_\_\_

[Attorney] for:  
[Defendant in person]

Address for service: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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 of, 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.

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

A Steve McField & Associates  
Attorneys-at-Law, on behalf of the  
Plaintiffs  
P O Box 680, Mary Street  
George Town, Grand Cayman

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

[Empty box for Defendant's Attorney endorsement]