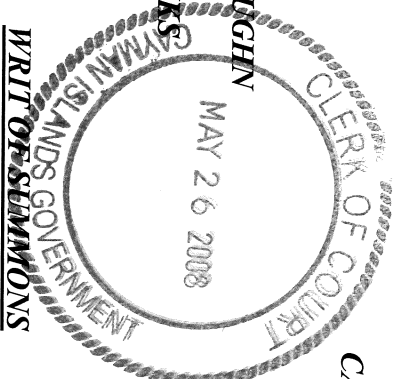


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 90256 OF 2008

BETWEEN ANNETTE VAUGHN
AND RANDY EBANKS

PLAINTIFF
DEFENDANT



TO: **RANDY EBANKS**
C/o National Road Authority
Public Works Department
George Town
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 26th day of May 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.

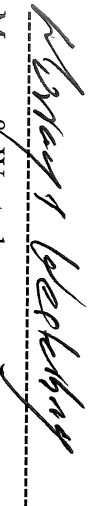
ENDORSEMENT

The Plaintiff claims against the Defendant to recover damages for personal injuries in that on or about the 8th day of November 2005 the Defendant so negligently drove and operated his BMW motor vehicle licensed Q0808 along Crewe Road in the vicinity of the Crighton Building, George Town, Grand Cayman, in a westerly direction that he caused the same to violently collide with Honda CRV motor vehicle licensed 96 364 owned and driven by Mrs. Hyacinth Miller along the same road and in the same direction as the Defendants and in which the Plaintiff was a belted front seat passenger 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 24th day of May 2008



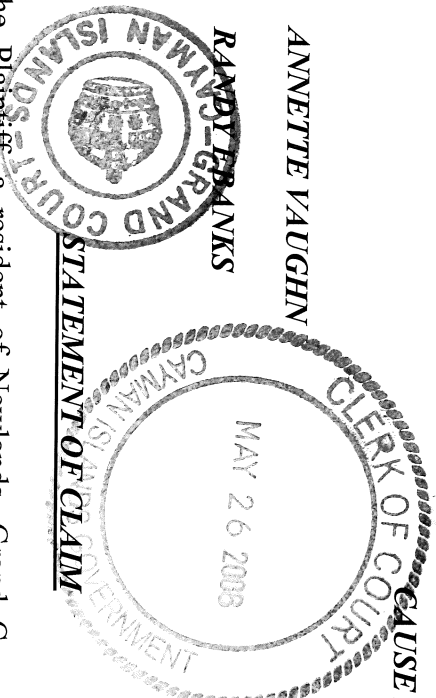
Murray & Westerborg
Plaintiff's Attorneys-at-Law

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 0254
OF 2008

BETWEEN ANNETTE VAUGHN
AND RANDY FRANKS

PLAINTIFF
DEFENDANT



1. The Plaintiff, a resident of Newlands, Grand Cayman, is employed as a Primary School Teacher at the John A. Cumber Primary School in West Bay, Grand Cayman and was at all material times a belted front seat passenger in Honda CRV motor vehicle licensed 96 364 owned and driven by Mrs. Hyacinth Miller along Crewe Road, George Town, Grand Cayman.
2. The First Defendant was at all material times the owner and driver of BMW motor vehicle licensed Q0808.
3. On or about the 8th day of November 2005 the Plaintiff was a belted front seat passenger in the aforesaid Honda CRV vehicle travelling in a westerly direction along Crewe Road, George Town, Grand Cayman, in the vicinity of the Crighton Building when the Defendant so negligently drove, managed and controlled the aforesaid BMW motor vehicle along the said Crewe Road in a westerly direction and thereby caused or permitted the same to violently collide with the aforesaid Honda CRV motor vehicle in which the Plaintiff was a passenger 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 in which the Plaintiff was a front seat passenger;
- (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.

Particulars of Injuries

- (a) Neck pain downward to her left leg;
- (b) Paraesthesia to lateral aspect of left leg;
- (c) Left neck pain radiating down her back;
- (d) Neutral and Extended Rotation of C-spine limited to 30 degrees;
- (e) Central cervical tenderness;
- (f) “Whiplash” Injury;

Particulars of Special Damages

i) Medical Costs (Continuing)	CIS 40.00
ii) Cost of Traffic Accident Report	CIS 75.00
iii) Cost of Interim Medical Reports	<u>CIS1,000.00</u>
	CIS1,115.00

AND THE PLAINTIFF CLAIMS:

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

Dated the 24th day of May 2008

Murray & Westerborg

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 ANNETTE VAUGHN PLAINTIFF
AND RANDY EBANKS 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 Delay may result in judgement being
directions and notes for guidance entered against a Defendant whereby he
carefully before completing this form. May have to pay the costs of applying to
If any information required is omitted set it aside.
Or given wrongly, **THIS FORM MAY**
HAVE TO BE RETURNED.

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:

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