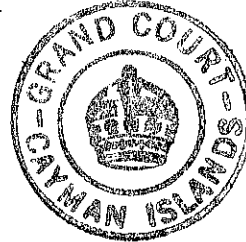


IN THE GRAND COURT OF THE CAYMAN ISLANDS

310
CAUSE NO: OF 2008

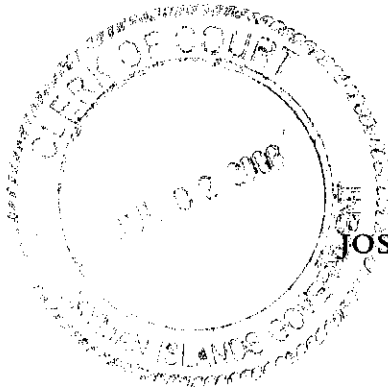
BETWEEN:

LISA SEYMOUR



Plaintiff

AND



JOSE FRANISCO SANCHEZ ZEL

Defendant

WRIT OF SUMMONS

TO: Jose Franisco Sanchez Zel
68 Newport Avenue, Apartment 3
George Town
Grand Cayman

AND TO: Balderamos Insurance Services Ltd.
The Crighton Building
Crewe Road
P.O. Box 30619
Grand Cayman KY1-1203

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 495 GT, 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 day of July 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 OF INSURER

The Plaintiff's claim arises out of the use of a motor vehicle on a public road. The insurer of the Defendant named herein is Balderamos Insurance Services Ltd. The address for service is the Crighton Building, PO Box 30619, Grand Cayman KY1-1203, Cayman Islands.

Issued by Appleby of Clifton House, 75 Fort Street, P.O. Box 190 GT, Grand Cayman, Cayman Islands (Ref. NB/12683.001)

STATEMENT OF CLAIM

1. The Plaintiff is a resident of the Cayman Islands. Her address for service is in care of her attorneys, Appleby, P.O. Box 190, Grand Cayman KY1-1104, Cayman Islands.
2. The Defendant is an individual who at all times material to the issues in this proceeding was a resident of the Cayman Islands. The Defendant was, at 17 July 2005, the operator of a Ford Van bearing registration number 97-596 (hereinafter the "**Defendant's vehicle**").
3. On Sunday 17 July 2005 an accident occurred involving the Plaintiff as an occupant of a vehicle being driven by a Mr. Richard Powery ("**Mr. Powery**") and the Defendant's vehicle. The details of which are as follows:
 - a. At approximately 8:00 p.m. on 17 July 2005, Mr. Powery was operating a vehicle (hereinafter "**Mr. Powery's vehicle**"), a Toyota Hiace bearing registration number 90-006, and was travelling along Shedden Road toward Crewe Road in George Town. Whilst travelling through the intersection at Eastern Avenue through a green light, Mr. Powery's vehicle was struck by the Defendant's vehicle which had approached the intersection from the opposite direction and was attempting to make a right hand turn.
 - b. Due to the speed of the Defendant's vehicle, the impact of the collision was sufficient to cause major damage to both Mr. Powery's vehicle and the Defendant's vehicle and the occupants thereof, including serious injury to the Plaintiff.
 - c. The weather and visibility conditions reported at the time of the accident were good, being dry weather.
 - d. The road was in good condition and traffic was light at the time of the accident.
 - e. Mr. Powery was operating his vehicle appropriately at the time of the accident and he was operating his vehicle on the correct side of the road.
4. The Defendant caused the accident by failing to keep control of his vehicle and slamming his vehicle into Mr. Powery's vehicle.
5. The Defendant was charged by the Royal Cayman Islands Police with careless driving as a result of the accident. The Defendant was found guilty and was

convicted of careless driving in relation to the accident by Magistrate Ramsey-Hale of the Summary Court of the Cayman Islands on 26 June 2008.

6. The Plaintiff makes claim for injuries sustained and damages incurred as a result of the said accident pursuant to *The Torts (Reform) Law (1996 Revision)* and the common law. The Plaintiff states that the Defendant negligently operated the Defendant's vehicle and as a result of such negligence caused the above-described accident.

PARTICULARS OF NEGLIGENCE

7. The accident and the resulting injuries to the Plaintiff resulted from the Defendant's negligence in the operation of his motor vehicle. The particulars of the Defendant's negligence are as set out below:
 - a. In operating his vehicle in such a manner and at such a speed from Mr. Powery's vehicle that he was unable to stop in an emergency without being able to avoid a collision;
 - b. In failing to keep any or, alternatively, any proper lookout;
 - c. In failing to operate his vehicle in such a manner that he would be able to stop within the limit of vision at any given time;
 - d. In failing to observe Mr. Powery's vehicle;
 - e. In failing to give prior warning of any intended maneuver by means of the prescribed hand or traffic indicator signals;
 - f. In failing to apply his brakes or direct the course of his motor vehicle so as to avoid a collision with Mr. Powery's vehicle;
 - g. In failing to drive in a manner as to have full control of his vehicle at all times and in driving in a careless manner;
 - h. In failing to comply with all traffic signs and signals;
 - i. In failing to operate his motor vehicle with due care and attention and, or alternatively, without reasonable consideration for other persons using the road as both motorists and as passengers of vehicles and, or alternatively, at a speed that was excessive relative to the road, traffic, visibility or weather conditions;
 - j. In operating his vehicle when he was an incompetent driver lacking any reasonable skill or self-command and ought not to have attempted to operate a motor vehicle; and,
 - k. Such further and other negligent acts, omissions or statutory breaches as may be discovered or disclosed prior to trial.

8. The fact the Defendant drove his vehicle into Mr. Powery's vehicle, which was travelling in the opposite direction to the Defendant and in the opposite lane at the time of the collision is evidence in itself of negligence and breach of the common law and statutory duties that the Defendant owed to the Plaintiff. The Plaintiff pleads and relies on the doctrine of *res ipsa loquitur*.
9. By reason of the Defendant's negligence the Plaintiff has suffered serious physical injuries and has suffered pain and will continue to suffer future losses and damages all of which the Defendant is responsible for at law and in equity.

PARTICULARS OF INJURIES

10. As a result of the accident, the Plaintiff suffered injuries which are summarised, but not limited to, as follows:
 - a. soft tissue injury and corresponding pain to her neck, left shoulder, arm, hand and leg;
 - b. numbness in her left hand and leg;
 - c. facial swelling;
 - d. frequent headaches;
 - e. depression and post-traumatic disorder;
 - f. multiple contusions and lacerations; and,
 - g. severe ongoing pain and discomfort.
11. At the time of the accident, the Plaintiff was 39 years of age (born 8 June 1966). She enjoyed excellent health and lived a full and busy work and social life prior to the accident. As a result of the negligence of the Defendant, the Plaintiff has suffered loss or damage as follows:
 - a. loss of income;
 - b. loss of professional opportunity;
 - c. special damages for medical care and other expenses arising from the accident and her injuries;
 - d. general damages for pain, suffering and loss of amenities;
 - e. losses for paid and unpaid assistance;
 - f. pre-judgment and post-judgment interest in accordance with the Judicature Law (as amended); and,

- g. such other loss as may later be claimed.
12. The Plaintiff will provide specific details of the claim for special damages prior to trial.
13. As a result of the above, the Plaintiff is entitled to the relief claimed in this proceeding.

AND THE PLAINTIFF CLAIMS as follows:

- i. Loss of income;
- ii. Loss of professional opportunity;
- iii. Special damages for medical care and other expenses arising from the accident and her injuries;
- iv. General damages for pain, suffering and loss of amenities;
- v. Losses for paid and unpaid assistance;
- vi. Pre-judgment and post-judgment interest in accordance with the Judicature Law (as amended); and,
- vii. Such other loss as may later be claimed; and,
- viii. Such further and other relief as this Honourable Court deems appropriate.

Dated the 1st day of July 2008


APPLEBY

Attorneys-at-Law for the Plaintiff

TO: The Clerk of the Court

AND TO: Jose Francisco Sanchez Zel
68 Newport Avenue, Apartment 3
George Town, Grand Cayman Island

AND TO: Balderamos Insurance Services Ltd.
The Crighton Building
P.O. Box 30619 SMB
Crewe Road, Grand Cayman Island

Issued by Appleby of Clifton House, 75 Fort Street, P.O. Box 190 GT, Grand Cayman, Cayman Islands (Ref. NB/12683.001)

**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 495 GT, 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

B E T W E E N:

LISA SEYMOUR

Plaintiff

AND

JOSE FRANISCO SANCHEZ ZEL

Defendant

ACKNOWLEDGMENT 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 judgment 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 judgment entered by the Plaintiff (tick box)

YES

Service of the Writ is acknowledged accordingly

Attorneys for Defendant

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 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.

Appleby
Attorneys-at-Law
Clifton House
75 Fort Street
P.O. Box 190 GT
George Town
Grand Cayman
Ref: [NB/12683.001]

Indorsement 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 indorsement]

Indorsement 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 indorsement]