

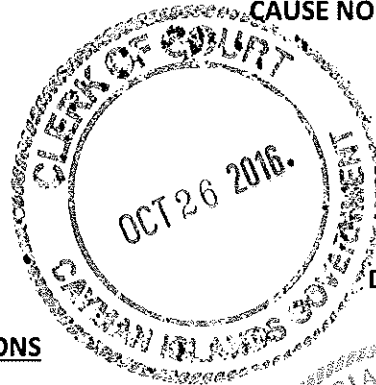
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION

Go 201

CAUSE NO. OF 2016

BETWEEN: (1) RHOAN MYERS
(2) CHARMAINE HOLNESS



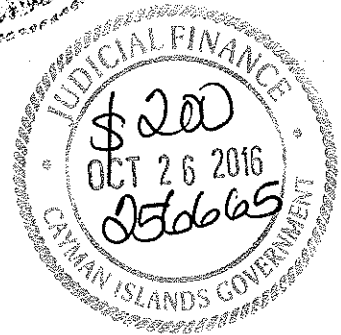
PLAINTIFFS

AND: DENISE NICOLE HOWELLE

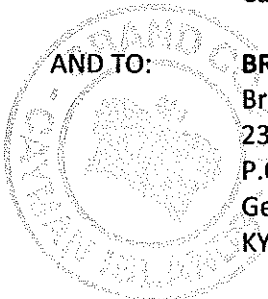
DEFENDANT

WRIT OF SUMMONS

TO: DENISE NICOLE HOWELLE
106 Fairbanks Road
George Town, Grand Cayman
Cayman Islands.



AND TO: BRITISH CAYMANIAN INSURANCE CO. LTD.
Britcay House
236 Eastern Avenue,
P.O. Box 74,
George Town, Grand Cayman
KY1-1102, Cayman Islands.



THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs in respect of the claims 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 495, George Town, Grand Cayman, Cayman Islands, 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 of Service within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 26th day of October, 2106

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 the order of the Court.

IMPORTANT

This Writ of Summons was issued by Rosie Whittaker-Myles, Attorney-at-Law, of 3rd Floor Amerigo House, Elizabethan Square, George Town, P.O. Box 2542, Grand Cayman, KY1-1104, Cayman Islands for and on behalf of the Plaintiffs herein.

Directions for Acknowledgment of Service are given with the accompanying form.

INDORSEMENT

The First and Second Plaintiffs' claim is for damages for personal injuries and loss and damage caused by reason of the negligence and/or breach of duty of the Defendant.

The injury, loss and damage occurred in the following circumstances:

1. On 18 February 2016 at or around 8:00 p.m. the First Plaintiff was driving a Toyota Corsa motor vehicle Registration Number 106712 (the "Toyota Corsa") along Huldah Avenue travelling south towards Bobby Thompson Way with the Second Plaintiff as passenger and with the traffic light in his favour, was crossing the intersection with Smith Road when the Defendant, driving a Honda Inspire Registration Number 167473 (the "Honda Inspire") travelling from the opposite direction along Bobby Thompson Way collided with the Toyota Corsa at the intersection as she was making a right turn onto Smith Road.
2. At the time of the accident the First and Second Plaintiffs were wearing seat belts.
3. The First Plaintiff is and was at all material times a licensed driver. At the time of the accident he was using the Toyota Corsa with the consent of the owner, Ms. Demoric Myers.
4. The Toyota Corsa was at all material times insured by Saxon MG.
5. The Defendant's vehicle, the Honda Inspire, was insured by British Caymanian Insurance Co. Ltd. ("British Caymanian").
6. The accident was the fault of the Defendant.

As a result of the accident, the First and Second Plaintiffs sustained serious injuries as set out below:

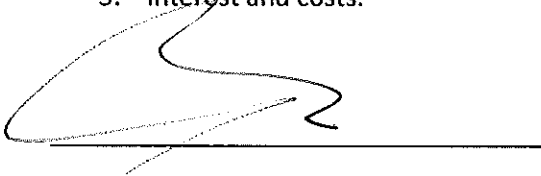
- a) The First Plaintiff was diagnosed with "*fractures of the right zygomatic arch, anterior wall of the right maxillary antrum, posterior wall of the right maxillary antrum, lateral wall of the right maxillary antrum and floor of the right orbit*". He also sustained injury to his left knee and lower left leg.
- b) The Second Plaintiff suffered a "*left closed humeral shaft fracture at the proximal 1/3 spiral pattern*".

This Writ of Summons was issued by Rosie Whittaker-Myles, Attorney-at-Law, of 3rd Floor Amerigo House, Elizabethan Square, George Town, P.O. Box 2542, Grand Cayman, KY1-1104, Cayman Islands for and on behalf of the Plaintiffs herein.

7. The Plaintiffs were referred to Jackson Memorial Hospital, Florida ("Jackson Memorial") where they underwent surgical procedures before returning to Grand Cayman, Cayman Islands.
8. Additionally, the First Plaintiff travelled to Jamaica for a dental procedure to be performed as a result of the injuries he sustained in the accident.
9. The Plaintiffs have not returned to work since the accident.
10. The Plaintiffs have been in correspondence with British Caymanian with respect to their claims for personal injuries, loss and damage.
11. In the premises, by reason of the negligence of the Defendant and/or the Defendant's breach of duty, the Plaintiffs have suffered pain, injury, loss and damage, full particulars of which will be contained in a separate Statement of Claim.

AND THE PLAINTIFFS claim:

1. Damages.
2. Further or other relief.
3. Interest and costs.



ROSIE WHITTAKER-MYLES
ATTORNEY-AT-LAW FOR THE PLAINTIFFS

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION

CAUSE NO. OF 2016

BETWEEN: (1) RHOAN MYERS

(2) CHARMAINE HOLNESS

PLAINTIFFS

AND: DENISE NICOLE HOWELLE

DEFENDANT

ACKNOWLEDGMENT OF SERVICE

OF WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you, give him/her this form IMMEDIATELY.

Important. Read the accompanying direction 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 Plaintiffs (tick box).

Yes No

Service of the Writ is acknowledged accordingly

(Signed)

[Attorney] for

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 Plaintiffs' attorney (or by Plaintiffs if suing in person) of his/her name, address and reference, if any, in the box below.

| |
|--|
| Rosie Whittaker-Myles 3 rd Floor Amerigo House Elizabethan Square George Town. |
|--|

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

Filed by Rosie Whittaker-Myles, Attorney-at-Law for and on behalf of the Plaintiffs herein whose address for service is that of their Attorney-at-Law, P.O. Box 2542, 3rd Floor Amerigo House, Elizabethan Square, George Town, Grand Cayman, KY1-1104, Cayman Islands.

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 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 that he intends to contest the proceedings must also serve a defence on the Attorney for the Plaintiff (or on the Plaintiff 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 a 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.