

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: ⁷ OF 2006

BETWEEN:

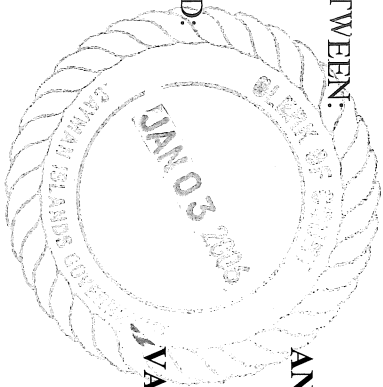
ANNA YVONNE CHIN-WELDS

PLAINTIFF

AND:

VANBUREN WALTON WELDS

DEFENDANTS



WRIT OF SUMMONS



TO:

VANBUREN WALTON WELDS of
30 BALSAM CLOSE, CHURCH STREET, WEST BAY, GRAND CAYMAN
REGISTRATION SECTION WEST BAY NORTH WEST
BLOCK 5B Parcel 89

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 495G, 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 January 2006.

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.

STATEMENT OF CLAIM

1. The Plaintiff was at the material time the wife of the Defendant, although she had by Cause No. D 185 of 2002 commenced divorce proceedings in the Grand Court against the Defendant.
2. On 19th January 2003 at about 9.30pm the Defendant intentionally hit the Plaintiff from behind in the back of her head and continued hitting her in the face and neck, at the former matrimonial home, located at 30 Balsam Close, Church Street, West Bay, Grand Cayman, more particularly described as Registration Section West Bay North West Block 5B Parcel 89.
3. As a result the Plaintiff sustained personal injuries and suffered loss and damage.

PARTICULARS OF PERSONAL INJURIES

The Plaintiff suffered facial edema, bilateral periorbital ecchymosis, scleral haemorrhage, epistaxis and posterior neck, left shoulder and left wrist pain. She had a tripod fracture of the lateral orbital process, a comminuted fracture of the lateral wall of the left maxillary sinus, a fracture of the posterior aspect of the zygomatic arch. She sustained a blow out fracture of the left orbit with a comminuted fracture of the mid and posterior aspects of the floor of the orbit with slight herniation through the fracture. She remained in hospital on Grand Cayman from 19th January 2003 to 27th January 2003, when she was transferred to Dr Hal Shaw, at the Otolaryngology Centre in Kingston, Jamaica. On 28th January 2003 Dr Shaw performed the following surgical procedures on her: left lateral brow incision and left transconjunctural incision with dissection down to the orbital rim. The orbital rim had several fractures. The floor of the orbit was explored, fragments reduced and fixated with screws and plates and interosseous wiring. He made an intraoral incision in the left upper verible, and elevated the zygoma with a large forceps. The incision was closed with sutures.

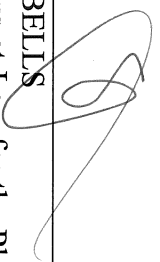
PARTICULARS OF LOSS AND DAMAGE

- (1) The Plaintiff has incurred medical expenses in the sum of C1\$24,782.45.
 - (2) The Plaintiff suffered a loss of earnings, as she was unable to work from 19th January 2003 to 24th February 2003.
4. Pursuant to section 51 of the Evidence Law (2004 Revision), rely the Plaintiff upon the conviction of the Defendant for Grievous Bodily Harm in respect of the attack on the Plaintiff on 19th January 2003.
5. On the said conviction, the Defendant was sentenced on 23rd May 2005 in the Grand Court by Sanderson J:
 - (a) To a period of imprisonment; and
 - (b) To pay up to C1\$15,000 in respect of the Plaintiff's medical expenses.
6. The Defendant has paid nothing to the Plaintiff for her medical expenses.
7. Further, the Plaintiff will seek aggravated damages on the basis that the attack was carried out by her husband and the attack was intended to and did cause the Plaintiff distress, insult and pain.
8. Further, the Plaintiff is entitled and does claim interest pursuant to Section 34 of the Judicature Law (2004 Revision) on the amounts found due to her, for such periods and at such rates as the Court deems fit.

AND the Plaintiff Claims:

- (1) Damages including aggravated damages;
- (2) Interest as aforesaid
- (3) Costs
- (4) Such further or other relief

Dated this 3rd day of January 2006



CAMPBELLS
Attorneys-at-Law for the Plaintiff

This Writ of Summons is filed by Campbells, of 4th Floor, Scotiabank Building, George Town, Grand Cayman, Attorneys for the Plaintiff whose address is P.O. Box 884GT, George Town, Grand Cayman (STM/12085)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 2 OF 2006

BETWEEN:

ANNA YVONNE CHIN-WELDS

PLAINTIFF

AND:

VANBUREN WALTON WELDS

DEFENDANTS

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

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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 ☐ no

Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

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 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.

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

Messrs. Campbells
Attorneys-at-Law
Fourth Floor,
Scotiabank Building,
P.O. Box 884,
George Town,
GRAND CAYMAN STM/12085

Endorsement 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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Acknowledgement of service of writ of summons (0.12, 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 is 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.