

Writ of Summons (O.6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. 148 OF 2012

BETWEEN

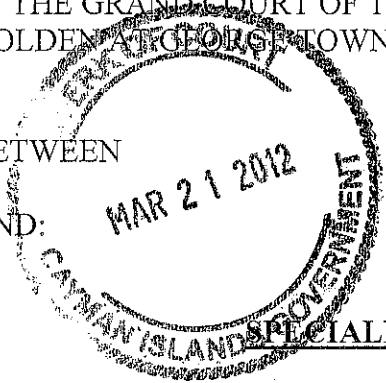
YANIQUE CONNOLLY

PLAINTIFF

AND:

GLEN FAUD

DEFENDANT



SPECIALY ENDORSED WRIT OF SUMMONS

TO: DEFENDANT: GLEN FAUD, 20 Tidyman Lane, North Side, Grand Cayman, Cayman Islands.

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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 19th day of March 2012

NOTE - This Writ may not be served later than 4 calendar 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) On 28 November 2009 the Plaintiff was a passenger in a Honda Torneo motor vehicle registration number 133303 owned and driven by the Defendant along Seaview Road East End at or about 12.47 a.m. when as a result of the negligent driving of the Defendant he caused the vehicle to move to the left where it hit a metal barrier. It then veered to the right and continued travelling onto the other side of the road and crashed into a CUC utility pole.
- 2) The accident was caused by the negligent driving of the Defendant.

Particulars of Negligence of the Defendant

- (a) Driving at a speed that was too fast in the circumstances.
 - (b) Failing to keep any or any proper lookout.
 - (c) Losing control of the motor vehicle so that it hit the metal barrier to its left and then moved across the road and crashed into a CUC utility pole.
 - (d) Failing to steer or control the motor vehicle or to apply his brakes adequately or at all so as to avoid this accident.
 - (e) Failing to stop or slow down or swerve or so to control his motor vehicle as to avoid this accident.
- 3) Further, the Defendant was charged in Criminal Case no: 03409/2010 on his own plea of guilty on 2 May 2011 to the traffic offence of Careless Driving under Section 69 Traffic Law (2003 Revision). The said offence is relevant to the issue of negligence and the claimant intends to rely on it as evidence in this action.
 - 4) By reason of the Defendant's negligence the Plaintiff suffered injury, loss and damage.

Particulars of Injury

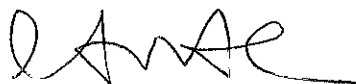
- 5) The Plaintiff who was born on 14 June 1992 sustained numerous permanent scars and injuries as a result of the accident. According to the medical report of Dr. Brian Marshall dated 6 July 2010, she had scars to her shoulders, right foot and ear lobe. She also had scars to her gluteal region and a broken tooth.
- 6) Additional details of the Plaintiff's injuries are contained in the medical report of Dr. Brian Marshall dated 6 July 2010.

Particulars of Special Damage

<u>Date</u>	<u>Description</u>	<u>Amount</u>
6 April 2011	Traffic Accident Report	\$75.00
13 April 2011	Medical Expenses -Exams & medication	\$6371.11
	Total Expenses	\$6446.11

And the Plaintiff claims:

- (i) Damages;
- (ii) Further, pursuant to The Judicature Law (1995 Revision), the Plaintiff is entitled to and claims interest on such sums as are found to be due at the statutory rate and for such period as the Court shall think fit;
- (iii) Costs



CLYDE H. ALLEN, CHAMBERS

THIS WRIT was issued by Clyde H. Allen whose address for service is Clyde H. Allen Chambers PO Box 31076, 2nd Floor, Suite #9, 19 Fort Street, KY1-1205, Grand Cayman, Cayman Islands.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. OF 2012

BETWEEN YANIQUE CONNOLLY PLAINTIFF
AND: GLEN FAUD DEFENDANT

ACKNOWLEDGMENT OF SERVICE
OF SPECIALLY ENDORSED 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 a 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

(Signed).....

[Attorney] for

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 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.

Clyde H. Allen
CHAMBERS
Attorneys-At-Law
PO Box 31076, 2nd Floor
Jack & Jill Building, KY1-1205
Grand Cayman, Cayman Islands

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

