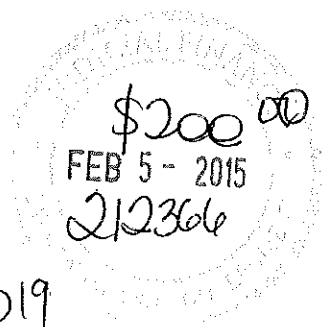
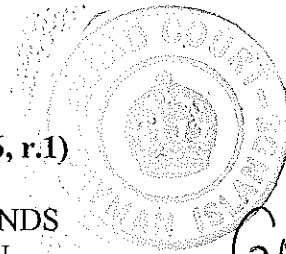
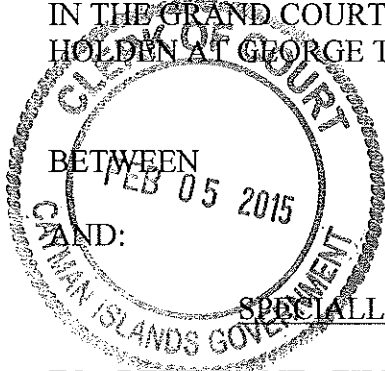


Writ of Summons (O.6, r.1)



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

CAUSE NO. **G0019** OF 2015



BETWEEN

JOY HOPE ANN VERON

PLAINTIFF

AND:

EILEEN JENNIFER GREEN

DEFENDANT

SPECIALLY ENDORSED WRIT OF SUMMONS

TO: DEFENDANT: EILEEN JENNIFER GREEN, 67 Palm Spring, George Town, Grand Cayman, Cayman Islands.

Fidelity Insurance (Cayman) Limited, Box 914 Cayman Financial Centre, 36A Dr Roy's Drive, Grand Cayman, KY1-1103, 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 <sup>4<sup>th</sup></sup> day of February 2015

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. At approximately 6.52. pm on the 7 February 2012, the Plaintiff, who was employed by the Health Service Authority, was driving an ambulance as a paramedic along Crew Road and was crossing the traffic light controlled junction of Bobby Thomas Way and Hudlah Avenue on to Smith Road (the "junction") towards George Town Hospital.
2. The Defendant was travelling in motor vehicle Mitsubishi Outlander registration number 101344 along Bobby Thomas Way heading towards Hudlah Drive and was heading towards the traffic light controlled junction with Crew Road and Smith Road at a speed exceeding the 25 mph speed limit.
3. The Plaintiff and her crew were delivering a person to the hospital. Whilst travelling to the hospital the Plaintiff activated the siren and the blue and red flashing lights in order to notify the public of its presence and the emergency. On arriving at the traffic light on Crew Road and before crossing the junction the ambulanced approached it and drove slowly and the traffic ahead of it moved to the left to permit the ambulance which had now moved into the turning lane on Crew Road to pass it. The traffic light for that traffic was on red and so the traffic was stationary. The Plaintiff noted that the traffic to her right on Hudlah Avenue which was crossing that junction due to the green light had stopped to permit her to cross the junction. The Plaintiff also noted that the traffic on Bobby Thompson Way that was crossing the junction to Hudlah Avenue had also stopped.
4. The Plaintiff moved off slowly in the ambulance to cross the junction towards Smith Road. The Defendant when by reason of her negligence and/or breach of duty of care collided with the ambulance at the junction of these roads.
5. The collision was caused by the negligence of the Defendant.

### **Particulars of Negligence**

- a) The Defendant whilst driving along Bobby Thompson Road drove at an excessive speed exceeding the speed limit.
- b) Failed to keep any or any proper look-out or to have any or any sufficient regard for traffic that was or might reasonably be expected to be at the junction of these roads, including emergency vehicles.
- c) The Defendant entered the junction of these roads without first ascertaining or ensuring that it was safe so to do and at a time when it was unsafe and dangerous so to do.

- d) Failed to give any or any adequate warning of her approach.
  - e) Failed to see the Plaintiff in sufficient time to avoid colliding with the ambulance or at all.
  - f) The Defendant failed to stop, to slow down, to swerve, or in any way so to manage or control the motor car so as to avoid the collision.
6. On 26 March 2014 the Defendant was convicted in the Summary Court sitting at George Town, Grand Cayman, on her plea of guilty of careless driving of motor vehicle Mitsubishi Outlander registration number 101344 contrary to section 69 of the Traffic Law (R2003) and on her plea to guilty of driving under the influence of alcohol contrary to section 71(1)(a)(ii) of the Traffic Law (2006 Amendment) as read with section 71(2). The said convictions are relevant to the issue of negligence and the Plaintiff intends to rely on them as evidence in this action.
  7. Further it is averred that the facts of the accident speaks for themselves as being an occurrence which cannot normally happen without negligence.
  8. By reason of these matters, the Plaintiff sustained injuries and she has suffered loss and damage.

#### **Particulars of Injuries**

The Plaintiff's date of birth is 2 April 1976. As a result of the accident, the Plaintiff has suffered various injuries including, a lumbar myofascial pain, facet syndrome, displacement of lumbar intervertebral disc without myelopathy and thoracic or lumbosacral neuritis or radiculities. The Plaintiff was prescribed antidepressants as was diagnosed with Post traumatic stress disorder. The Plaintiff was unable to carry out her duties at work and appeared before the medical board where it was found that as a result of the accident she was no longer able and therefore suitable to perform her task and her contract of employment was therefore terminated. The Plaintiff will rely on the reports of Nabil Gerges DO of the Florida Spine Institute, Dr. Frank Smith dated 16 February 2012 and Dr. Larisa Elberg MD dated 11 October 2012.

#### **Particulars of Special Damage**

1. Salary from September 2013 – January 2015 from the Health Services Authority as a Paramedic. \$5,162.00 CI per month. Receiving only \$2,700 per month from pension. \$2,462.00 per month x 17 months - \$41,854.00 CI
2. Wages from March 2012 – January 2015 from Dr. Marzouca as a Paramedic/Nurse. - CI\$34,000.00
3. Payment of all medical expenses.
4. Loss of overtime pay.
5. Loss of Instructor pay (CPR, ACLS, CME's) – CI\$150.00 per class at the hospital.
6. Home help and Care fees only for 6 months – CI\$75.00 per week.

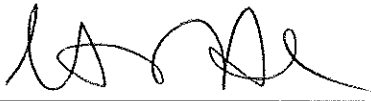
7. Travel expenses, including rental and gas, for overseas appointments together with costs for person accompanying her, as could not drive as not medically cleared to drive.
8. Permit for Wayon Williams Driver. (Medically restricted to drive only for short distances). Pay per week 200.00 CI (July 2013 – April 2014) thus far. CI\$8,400.00.
9. Costs of medication to cover side effect of prescription drugs
10. Expenses charged on credit cards when payment for overseas travel or booking accommodation.
11. Costs of loan expenses as a result of loss of income and need to borrow funds to cover various bills including medical expense.
12. Future medical expenses.
13. All loss and medical expenses are to particularised in due course.

AND the Plaintiff claims

(i) Damages

(ii) Further, pursuant to The Judicature Law (1995 Revision), the Defendant is entitled to and claims interest on such sums as are found to be due at such rate and for such period as the Court shall think fit.

(iii) Costs



**CHAMBERS**

THIS WRIT was issued by Clyde H. Allen of **CHAMBERS** on behalf of the Plaintiff whose address for service is P.O. Box 31076 SMB, 2nd Floor, Suite 9, Jack & Jill Building, 19 Fort Street, KYI-1205, George Town, Grand Cayman, Cayman Islands.

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 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 ISLAND  
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO.      OF 2015

BETWEEN                      JOY HOPE ANN VERON                      PLAINTIFF  
AND:                              EILEEN JENNIFER GREEN                      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.

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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.

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2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)

yes       no

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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

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Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

Address for service: (please see overleaf)

*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 Allen  
CHAMBERS,  
Attorneys-At-Law  
PO Box 31076SMB  
Jack & Jill Bldg, 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.*

[Empty box for defendant's attorney indorsement]