

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

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

CAUSE NO. 239 OF 2016

BETWEEN

PAULA SHARLENE FOSTER

PLAINTIFF

MICHAEL JUNIOR DAVIS

DEFENDANT

SPECIALLY ENDORSED WRIT OF SUMMONS

DEFENDANT: MICHAEL JUNIOR DAVIS, 30 Apple Blossom Gardens West Bay,
Cayman Islands.

Insurance company – Saxon MG Insurance Company, 14 Saturn Close, Eastern Avenue,
P.O. Box 1094 - 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.

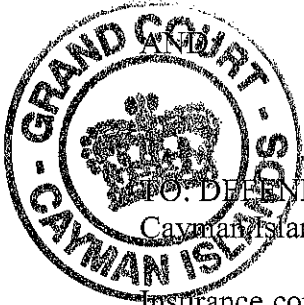
If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or
if you return the Acknowledgment without stating therein an intention to contest the
proceedings, the Plaintiffs may proceed with the action and judgment may be entered
against you forthwith without further notice.

Issued this 14 of December 2016

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 or about 17.11 pm on 2 June 2014 the Plaintiff was riding a Zonshen motor cycle registration number 148550 when the Defendant so negligently drove his Toyota Hiace motor vehicle registration number 119306 that it collided with the Plaintiff.
2. The accident occurred when the driver of the Toyota whilst making a left turn on to Shedden Road from Compass Drive drove into the path of and collided with the Plaintiff, whilst the Plaintiff was in her lane.
3. The Plaintiff accepts that just before the accident she was overtaking vehicles in her lane. However, at the time of the accident, she was in her lane.
4. The collision was caused by the negligence of the Defendant.

Particulars of Negligence

- a) Driving at too fast a speed in the circumstances.
 - b) Failing to keep any or any proper look-out or to have any or any sufficient regard for traffic, including the Plaintiff, that was or might reasonably be expected to be at or approaching or passing the road from which the Defendant emerged on the main road.
 - c) Emerging onto the road from a side road and driving into the oncoming lane along which the Plaintiff was travelling without first ascertaining or ensuring that it was safe so to do and when it was unsafe and dangerous so to do.
 - d) Failure to give any or any adequate warning of his intention to enter the road in the manner he so entered it.
 - e) Failure to see the Plaintiff in sufficient time or at all and to avoid colliding with her.
 - f) Failure to stop, to slow down, to swerve, or in any way so to manage or control his motor vehicle as to avoid the collision with the Plaintiff.
5. Further it is averred that the facts of the accident speak for themselves as being an occurrence which cannot normally happen without negligence.
 6. 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 June 1967. This accident has resulted in the Plaintiff receiving a broken left femur which was operated on by Dr. Sekhar of George Town Hospital. As a result of this accident, the Plaintiff has not been able

to return to work. The Plaintiff will rely on the medical report of Dr. Sekhar dated 11 February 2015. The injuries include damages to her left knee and left hip and will be further particularized in due course.

PARTICULARS OF SPECIAL DAMAGES

1. The Plaintiff will expect all expenses to be repaid including but not limited to replacement of all items damaged at the time of the accident to include her motor bike, cloths worn at that time, loss of income at \$62.50 per day (\$43,625), loss of pension and health insurance.
- 2 June 2014 to 14 December 2016 is 927 days multiplied by \$62.50 = \$57,937.50
- 3 Any and all medical expenses, past, present and any ongoing future medical expenses to be particularized 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
Clyde H. Allen

THIS WRIT was issued by Clyde H. Allen, Chambers on behalf of the Plaintiff whose address for service is P.O. Box 31076 SMB, 2nd Floor, Suite 10, 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 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 Acknowledgement 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 the 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 liquidation 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 stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make or payment of the money by instalments or otherwise.

See over for notes for guidance

Please complete overleaf

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

CAUSE NO. OF 2016

BETWEEN PAULA SHARLENE FOSTER PLAINTIFF
AND: MICHAEL JUNIOR DAVIS 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 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 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 H. 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]