

*IN THE GRAND COURT OF THE CAYMAN ISLANDS*

*CAUSE NO. 190 OF 2017*

*BETWEEN HALSTON FARLEY*

*PLAINTIFF*

*AND ANNA CUMMINGS*

*DEFENDANT*



*WRIT OF SUMMONS*

*TO: ANNA CUMMINGS  
48 Paradise Close  
George Town  
GRAND CAYMAN*



*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 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 Acknowledgement of Service, stating therein whether you intend to contest these proceedings.

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

Issued this      day of                      2017

*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 Acknowledgement of Service are given with the accompanying form.


**ENDORSEMENT**

The Plaintiff claims to recover damages for personal injuries against the Defendant in that the Defendant negligently drove and operated Mazda CX7 motor vehicle bearing license number 152 066 along the North Sound Road in the vicinity of the junction of North Sound Road, Shedden Road and Thomas Russell Way, George Town, Grand Cayman that she caused the same to collide into the rear of a stationary vehicle being driven by the Plaintiff, being a Nissan Primera vehicle bearing registration number 153 390 resulting in injuries to the Plaintiff and damage to the Plaintiff's said Nissan Primera motor vehicle..

***AND THE PLAINTIFFS CLAIM:***

1. General Damages for Personal Injuries;
2. Special Damages
3. Interest;
4. Costs;

Dated this 1<sup>st</sup> day of November 2017

  
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Murray & Westerborg  
Attorneys-at-Law for the Plaintiff.

THIS WRIT was issued by Murray & Westerborg, Attorneys-at-Law, for and on behalf of the Plaintiffs whose address for service is that of their said Attorneys-at-Law, The Second Floor (South West Wing) Cayman Shipping Centre Building, 10 Shipping Lane, George Town, Grand Cayman. \

*IN THE GRAND COURT OF THE CAYMAN ISLANDS*

*CAUSE NO. OF 2017*

*BETWEEN HALSTON FARLEY*

*PLAINTIFF*

*AND ANNA CUMMINGS*

*DEFENDANT*

*STATEMENT OF CLAIM*

1. The Plaintiff, was at all material times a resident of North Sound Estates, Grand Cayman.
2. The Plaintiff was at all material times employed by the Royal Cayman Island Police Service and was at all material times the owner and driver of Nissan Primera motor vehicle bearing registration number 153 390.
3. The Plaintiff was at all material times belted driver in the said Nissan Primera motor vehicle.
4. The Defendant was at all material times the owner and driver of Mazda CX7 motor vehicle bearing registration number 152 066 and was at all material a resident of the Cayman Islands employed by Ogier, Attorneys-at-Law.
5. On or about the 23<sup>rd</sup> day of March 2015 the Plaintiff was the driver of the said Nissan Primera motor vehicle being driven in a southerly direction along North Sound Road, George Town, Grand Cayman when on reaching the vicinity of the intersection of the said Road and Shedden Road and Thomas Russell Way he stopped his said vehicle in a line of traffic awaiting the change of the traffic light at the said intersection to proceed on his journey.
6. The Defendant traveling along the said Road and in the same direction as the Plaintiff so negligently drove, managed and controlled the said Mazda CX7 motor vehicle that she caused the same to violently collide with the rear of the vehicle being driven by the Plaintiff.
7. That the cause of the said accident was the negligent driving of the Defendant.

*Particulars of Negligence*

- (a) Failing to keep any or any proper look-out or to have any or any sufficient regard for other traffic on the said road;
  - (b) Failing to have or to keep any or any proper control of the said motor-vehicle;
  - (c) Colliding into the rear of the vehicle being driven by the Plaintiff;
  - (d) Failing to stop, to slow down, to swerve or in any other way so to manage or control the said motorcar as to avoid the said collision.
  - (e) Colliding into a stationary vehicle.
8. The Defendant admitted that she was at fault and was the cause of the accident on the scene and further, her insurers settled the damage caused to the vehicle being driven by the Plaintiff as well as settling the Personal Injury claim of the Plaintiff's wife who was a belted front seat passenger in the Plaintiff's vehicle.
9. Furthermore the Defendant, in consequence of the said accident, was charge with the offence of Careless Driving contrary to the Traffic Law and pled Guilty to the Charge in the Summary Court on the 22<sup>nd</sup> February 2016 and was fined CI\$250.00 and her licence endorses.
10. The said settlement and conviction of the Defendant are relevant to the issue of negligence and liability and the Plaintiff intends to rely thereon as evidence in this action.
11. By reason of the matters aforesaid, the Plaintiff sustained injuries, loss and damage.

*Particulars of Injuries of First Named Plaintiff*

- (a) Severe back pain
- (b) Cervical strain
- (c) ENT bleed
- (d) Severe headaches
- (e) Muscle spasms
- (f) Shoulder (labral) impingement
- (g) Myofascial pain
- (h) Dizziness
- (i) Nausea.
- (j) PTSD

*Particulars of Special Damages*

(ii)	Past Medical Costs (continuing)	US\$26,192.84
(iii)	Past Loss of Income (continuing)	US\$ 6,725.46
(iv)	Cost of TAR	<u>US\$ 119.04</u>
		US\$33,037.34

*Statement as to Interest*

- (i) The prescribed rate of interest from the 23<sup>rd</sup> March 2015 to the date of filing is 3% per annum;
- (ii) The accrued interest to date of filing is US\$2,745.48
- (iii) The per diem interest as of the 23<sup>rd</sup> March 2015 is US\$2.71

*Schedule of Interest Calculated*

$$\begin{array}{r} \text{US\$33,037.34} \times 3\% \times 1013/365 \\ (\text{US\$991.12} \times 0.030 \times 2.77) \end{array} = \text{US\$2,745.48}$$

***AND THE PLAINTIFF CLAIMS:***

1. General Damages
2. Accrued Interest to date of filing of US\$2,745.48
3. Special Damages
4. Interest thereafter at the relevant Statutory rate(s) since 23<sup>rd</sup> March 2015 pursuant to the Judicature Law;
5. Costs.

Dated 1<sup>st</sup> day of November 2017



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Murray & Westerborg  
Plaintiff's Attorneys-at-Law

### *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 Plaint 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 Plaint)".
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 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.

**Please complete overleaf.**

BETWEEN

HALSTON FARLEY

PLAINTIFF

AND

ANNA CUMMINGS

DEFENDANT

**ACKNOWLEDGEMENT 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 judgement being entered against a Defendant whereby he May have to pay the costs of applying to set it aside.**

1. State the name of the Defendant by whom or on whose behalf the service of this Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick the 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 judgement entered by the Plaintiff (tick box).

yes

Service of the Writ is acknowledged accordingly

(Signed).....  
[Attorney] for  
[Defendant in person]  
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 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 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:*

Murray & Westerborg  
Attorneys-at-Law  
2<sup>nd</sup> Floor (South West Wing) Cayman Shipping Centre Building  
10 Shipping Lane  
George Town  
Grand Cayman

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