

ENDORSEMENT AS TO INSURANCE OF MOTOR VEHICLES

The Writ includes a claim for damages arising out of the use by the Defendant of a motor vehicle on a road. The following is the name and the address of the insurer of the Defendant's vehicle.

**Island Heritage Insurance
128 Lawrence Blvd
P.O. Box 2501
Grand Cayman KY1-1104
CAYMAN ISLANDS**

STATEMENT OF CLAIM

1. At all material times, the Plaintiff was lawfully resident in the Cayman Islands on a work permit, residing at No. 100 Maple Road, George Town, Grand Cayman CAYMAN ISLANDS.
2. The 1st Defendant is a resident of the Cayman Islands residing at No. 6 Jefferson Road, Boltin's Avenue, West Bay, Grand Cayman, CAYMAN ISLANDS.
3. On Monday 4th December 2017, the Plaintiff was a pedestrian walking in a northerly direction along Town Hall Road, West Bay, Grand Cayman.
4. At approximately 6:33 p.m., a Suzuki Cultus motor vehicle License Number 112-273, owned and insured by the 2nd Defendant and driven and driven and controlled by the 1st Defendant collided into the rear of the Plaintiff. The motor vehicle struck the Plaintiff to the right of her body including her right hand.
5. The collision was the result of the sole negligence and/or recklessness of the 1st Defendant.
6. The 1st Defendant was charged and convicted for the offence of careless driving on the 5th February 2019 by the Cayman Islands Traffic Court.

PARTICULARS OF NEGLIGENCE

- (a) Failing to exercise due care, skill, and attention in the management of a motor vehicle.
 - (b) driving at such a speed to be unable to stop in the event of an emergency.
 - (c) Failing to remain in control of the vehicle.
 - (d) Jumping the soft shoulder of the road and there after colliding with the Plaintiff.
 - (e) failing to avoid the collision with the Plaintiff.
 - (f) Failing to keep any or any proper look out or to have any sufficient regard for pedestrians using the road.
 - (g) Failing to give any or any adequate warning of her approach and/or the collision. Failing to observe the rules of the road as required pursuant to Section 59 and 60 of Part VI of the Traffic Law (2003 Revision), as amended.
1. By reason of the matters aforesaid the Plaintiff has suffered injury loss and damage. Full particulars will be provided upon discovery.
 2. The Plaintiff also claims interest at the prevailing statutory rate until payment and/or judgment.

AND THE PLAINTIFF claims:

- (a) Damages; and
- (b) Interest as aforesaid pursuant to section 34(1) of the Judicature Law (2013 Revision) until Judgment or sooner payment or at such rate and for such time as the Court shall deem fit; and
- (c) Costs.

Dated the 3rd Day of December 2020.

Brady's

BRADY Attorneys-At-Law for the Plaintiff

Acknowledgment of service of writ of summons (0.12, r.3)

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

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 Plaintiffs (or on the Plaintiffs 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 Plaintiffs 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 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 guardian ad litem.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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

Brady, Attorneys-At-Law
P.O. Box 11740 APO
2nd Floor, Anderson Square Building
George Town
Grand Cayman KY1-1009
T: +1 (345) 743-3207

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