

STATEMENT OF CLAIM

1. At all material times, the Plaintiff was the owner and driver of a Ford F350 registration 129 106 and the Defendant was the driver of a vehicle registration number 156 801.
2. On the 26 January 2019 at approximately 10.45am, the Plaintiff was driving along the right lane of Shamrock Road in a westerly direction towing a heavy bobcat and the defendant was travelling in the left lane in the same direction after pulling out of Pedro Castle Road. The Defendant moved into the righthand lane and into collision with the rear left of the Plaintiff's vehicle and causing him to hit the curb.
3. At all material times the Defendant's vehicle was insured with The Insurance Company of the West Indies Limited who had issued a policy of insurance relating to the vehicle in accordance with the Motor Insurance (Third Party Risks Law).

Particulars of negligence

4. The accident was caused by the negligence of the Defendant in that he;
 - a) failed to keep any or any proper look out;
 - b) failed to see the Plaintiff's vehicle in time or at all;
 - c) failed to apply his brakes whether in time or at all;
 - d) failed to steer or control his vehicle so as to avoid the said collision;
 - e) failed to maintain his vehicle within his own lane;
6. By reason of the aforesaid, the Plaintiff has suffered personal injury, loss and damage.

Particulars of General Damage

7. The plaintiff's date of birth is the 27 October 1971 and at the date of the accident he was 47 years old.
8. He attended Health City suffering with injuries to his neck and back. He was prescribed pain medication and provided a sick note.
9. He reattended with the neurosurgeon at Health City on the 4 February 2019 with continued neck pain and was advised to avoid bending, lifting or operating heavy machinery.
10. He was advised to undergo physiotherapy and underwent a course at Health City. He was also advised to undergo an MRI but was unable to afford to do so.
11. He underwent chiropractic treatment at the DaVinci Centre.
12. He remained under the care of Dr Susheel Wadhwa, neurosurgeon Health City. On the 2 May 2019, Dr Susheel referred him to a Pain management specialist.

13. He is under the care of Dr Nicholls.
14. He also attended Cayman Neurosurgeons for further review and has been advised to undergo surgery.
15. The plaintiff still suffers ongoing discomfort in his neck and continues to undertake home exercises.
16. He has avoided doing activities he did previously such as beach cleaning as it aggravates his symptoms.

Particulars of Special Damage

17. The Plaintiff's particulars of special damage will be forwarded in due course by way of a Schedule of Loss including but not limited to claims for loss of earnings, cost of medical treatment and gratuitous care.

AND THE PLAINTIFF claims:

1. General and Special Damages
2. Interest in accordance with the Judicature Law (2017 Revision)
3. Costs



KSG Attorneys-at-Law
Attorneys for the Plaintiff

**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.

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.

KSG Attorneys-at-Law
4th Floor Harbour Centre
42 North Church Street
PO Box 2255
George Town
KY1-1107
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.

[Empty box for defendant's attorney indorsement]