



**GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION**

CAUSE NO: OF 2022

BETWEEN:

LIAT ARUBAS

PLAINTIFF

AND:

HO YING KWOK

DEFENDANT

WRIT OF SUMMONS

TO: The Defendant
Ho Ying Kwok

And as a Noticed Party To:Saxon Motor & General Insurance Company Ltd
14 Saturn Close
Eastern Avenue
P.O. Box 1094
Grand Cayman KY1-1102

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of 1 Hidden Cove, 105 Old Crewe Road, George Town, Grand Cayman 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 Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 16th day of February 2022

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 Acknowledgment of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. At all material times the Plaintiff was the driver of a Nissan March registration 168 800 and the Defendant was the driver of a Kia Picanto motor vehicle bearing registration number 156 076.
2. On 21st February 2019 at approximately 7.45pm, the Plaintiff was driving in a southerly direction along South Church Street when the Defendant pulled out of Memorial Avenue and into the path of the Plaintiff's vehicle.

Particulars of negligence

3. The Defendant was negligent in that she:
 - (a) failed to keep any or any proper look out;
 - (b) failed to give way;
 - (c) failed to see the Plaintiff in time or at all;
 - (d) pulled out of a minor road onto a major road when it was unsafe to do so;
 - (e) failed to apply her brakes whether in time or at all;
 - (f) failed to steer or control her vehicle so as to avoid the said collision;
4. The Plaintiff will rely on the doctrine of res ipsa loquitor.
5. By reason of the aforesaid, the Plaintiff has suffered personal injury, loss and damage.

Particulars of Injury

6. The plaintiff's date of birth is the 1 July 1987 and at the date of the accident she was 31 years old.
7. She hit her head upon impact and was immediately shocked and dazed by the accident and aware of bruising to her body and headache.
8. She was attended to by Emergency Services at the scene of the accident and then went home, however on waking the following day, she had difficulty walking and significant pain and thus attended at Health City Cayman Islands.
9. She complained of pain to her left hand, right knee and right forearm. She was diagnosed as having suffered soft tissue injuries to her right knee and left hand and abrasions to her chin. She was referred for physiotherapy, provided a splint for her left hand and provided a sick note for 8 days.
10. She reattended at Health City Cayman Islands on the 1 and 11 March 2019 with some improvement to her hand and arm but continued knee pain.

11. She was absent from work for a number of days post-accident and thereafter returned but was restricted. She then had to take several days off work due to the pain and attendance at physiotherapy. She was not paid for sick days she had to take off after her allowance had been utilised.
12. She attended with her GP Dr Addleson on the 13 March 2019 with continued headaches and confusion. He diagnosed her as having suffered post-concussion syndrome, signed her off work for three days and prescribed Lexotan.
13. She had significant difficulty sleeping and limited memory of the accident and surrounding events.
14. She also attended at Health City Cayman Islands regarding her headaches, irritability and confusion and was diagnosed as suffering post traumatic headaches and post-traumatic stress and referred for an MRI.
15. She commenced physiotherapy with Cayman Rehab on the 18 March 2019 and underwent regular sessions until July 2019.
16. She underwent MRI of the brain on the 2 April 2019 which showed a neuroglial cyst. She followed up with neurology at Health City Cayman Islands on the 11 April 2019 and reported some improvement but continued difficulty sleeping.
17. She attended with Dr Almeida at Health City Cayman Islands on the 25 October 2019 with continued knee pain.
18. Due to continued issues, she underwent MRI of the right knee on the 8 November 2019 confirming Chondromalacia patella and a tear to the medial meniscus. She was advised to continue with physiotherapy.
19. She underwent cortisone injections at Health City Cayman Islands in December 2019 and February 2020 which did assist with the pain and was advised to continue with physiotherapy.
20. She underwent physiotherapy with RVC and acupuncture at Cayman Physio.
21. She reattended with Dr Almeida in November 2020 and January 2021 and was advised to restart physiotherapy and had further cortisone injection in December 2020.
22. She reattended with Dr Almeida in May 2021 with continued knee pain and reported difficulty standing for any longer periods and inability to run. She was advised to continue physiotherapy and acupuncture.
23. She attended at Health City Cayman Islands in October 2021 with an increase in knee pain and underwent a repeat MRI on the 11 October 2021 with the same diagnosis and right knee joint effusion. She was advised to continue with physiotherapy but that an arthroscopy may be required if no improvement.
24. Further particulars of the Plaintiff's injury and treatment will be provided at a later date by way of a schedule of damages.

Particulars of Special Damage

25. The Plaintiff's particulars of special damage will be supplied at a later date by way of a schedule of damages including but not limited to claims for medical treatment, loss of earnings, travel and gratuitous care.

AND THE PLAINTIFF CLAIMS:

1. General Damages;
2. Special Damages;
3. Interest in accordance with the Judicature Law (2017 Revision);
4. 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.

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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 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

no

Service of the Writ is acknowledged accordingly

(Signed).....
Attorney for

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.

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]