

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: OF 2022



CASSANDRA TODD

PLAINTIFF

DARRYLE ARTHUR DEROME MOORE

DEFENDANT

WRIT OF SUMMONS

TO: Darryle Arthur Derome Moore, of an address to be notified.

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff, of 203 Old Yard Lane, Northward, Bodden Town, Grand Cayman, Cayman Islands 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 Courts Office, P.O. Box 495, George Town, Grand Cayman, KY1-1106, Cayman Islands the accompanying Acknowledgement 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 any 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 17th 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 original issuance unless renewed by order of the Court.

IMPORTANT

Directions for the Acknowledgment of service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff's claim arises out of use of a motor vehicle on a public road. The insurer of the vehicle driven by the Defendant named herein is Cayman First Insurance Company Limited, whose address is P.O Box 2171, 17 Vibert Bodden Drive, George Town, Grand Cayman, KY1-1105, Cayman Islands.
2. On or about 19th February 2019, at approximately 3:20pm, the Plaintiff was driving a Toyota Vitz, Registration number 190437 along Walkers Road towards Fairbanks Prison. As the Plaintiff had stopped at the pedestrian crossing, across from CIFEC to allow a woman to cross. A Hyundai Creta, Registration number 182751, which was being driven by the Defendant failed to stop in time and collided into the rear of the vehicle being driven by the Plaintiff.
3. The accident was caused by the negligence of the Defendant:

PARTICULARS OF NEGLIGENCE

- a) Failing to keep any or any proper lookout;
 - b) Failing to see the Plaintiff's car in time or at all;
 - c) Failing adequately or at all to observe or heed the presence of the Plaintiff's car;
 - d) Failing to steer or control the car or to apply his brakes adequately or at all so as to avoid colliding with the Plaintiff's car;
 - e) Failing adequately or at all to heed or act upon the road marking or road signs requiring him to accord precedence to traffic approaching a pedestrian crossing;
 - f) Driving too fast in all the circumstances.
4. By reason of the negligence of the Defendant, the Plaintiff, who was born on 8 August 1976 has suffered pain, injury, loss and damage.

PARTICULARS OF INJURY

- 4.1. The Plaintiff suffered injuries to her neck, upper shoulders and back as a result of the collision. Following the accident, the Plaintiff attended her General Practitioner due to severity of the pain. Following further investigations and an MRI scan in 2019, the Plaintiff was diagnosed with Central/right paracentral disc herination at C5-6 indenting the central cord, resulting in moderate central canal stenosis and a small central disc herniation at C6-7, slight indenting the ventral thecal sac. The Plaintiff has suffered and continues to suffer from a significant degree of pain, discomfort and a restricted range of movement.
- 4.2. The Plaintiff's ability to work, carry out everyday tasks and engage in leisure activities has been severely impacted as a result of her injuries. The Plaintiff is likely to have to retire from her employment early as a result of the pain. The Plaintiff requires further surgical intervention and ongoing physiotherapy to manage her pain levels and to allow her to function as best as she is able given her condition.
- 4.3. Further particulars of the Plaintiff's injuries will be set out in a medical which will detail her medical condition and prognosis. This medical report is to be obtained in due course.

PARTICULARS OF LOSS


A provisional Schedule of details of loss is attached. The Plaintiff will rely upon an updated Schedule of Loss in due course at trial.

5. Further, the Plaintiff is entitled to and claims interest upon such damages as may be awarded to her pursuant to the provisions of the Judicature Law (2017 Revision) at such rate and for such periods as the Court shall see fit.

AND the Plaintiff claims:

- (1) Damages;
- (2) Interest pursuant the Judicature Law (2017 Revision);
- (3) Costs.

DATED THIS 17th day of February 2022



PRIESTLEYS
Attorneys at Law for the Plaintiff

TO: The Clerk of the Court
AND TO: The Defendant

INDORSEMENT AS TO INSURER OF MOTOR VEHICLE

The Plaintiff's claim arises out of use of a motor vehicle on a public road. The insurer of the vehicle driven by the Defendant named herein is Cayman First Insurance Company Limited, whose address is P.O Box 2171, 17 Vibert Bodden Drive, George Town, Grand Cayman, KY1-1105, Cayman Islands.

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AND:

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DEFENDANT

PROVISIONAL SCHEDULE OF LOSS

1. Special Damages to Date

Physiotherapy and assessment costs incurred directly by Plaintiff	TBC
Miscellaneous expenses including travel costs, over the counter medication etc.	TBC


2. Cost of Future Medical Care

Future surgical costs <i>(Anterior Cervical Fusion – 1 Level has been recommended to reduce the pain)</i> USD \$24,000	USD \$24,000
Future physiotherapy treatment	TBC
Future medication costs <i>(The Plaintiff will require medication following her surgery)</i>	TBC
Future care and assistance costs <i>(The Plaintiff will need assistance with her care)</i>	TBC

Employment prospects <i>(The Plaintiff will not be able to continue with her physical job and will need to retire early)</i>	TBC
Repairing damage to the Plaintiff's vehicle	CI\$2303.00

Statement of Truth

The Plaintiff believes that the facts stated in this Schedule of Loss are true.



PRIESTLEYS
Attorneys at law for the Plaintiff

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS**

1. The accompanying form of *Acknowledgement 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, PO Box 495, 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 endorsed on the Writ (i.e. the words “Statement of Claim” appear on the top of page 2). The defence must be served within fourteen (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 endorsed on the Writ, the defence need not be served until fourteen (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 fourteen (14) days after his Acknowledgement, 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 installments or otherwise.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
2. For the purpose of calculating the period of fourteen (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 authorized to act on behalf of the Company, but the Company can take no further steps in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL HEALTH 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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DARRYLE ARTHUR DEROME MOORE

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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) _____

Address for service:

Please see 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 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.

Endorsement by Plaintiff’s Attorney (or by Plaintiff if suing in person) of his name, address and reference, if any, in the box below.

PRIESTLEYS
ATTORNEYS-AT-LAW
SECOND FLOOR, CARIBBEAN PLAZA
878 West Bay Road
PO BOX 30310
GEORGE TOWN, GRAND CAYMAN
CAYMAN ISLANDS, KY1-1202

Endorsement 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 endorsement]