



Plaint

SUMMARY COURT AT GEORGE TOWN

Cause No. SC \_\_\_\_\_ of 2022

BETWEEN: JACK ONEIL MCLEAN

PLAINTIFF

AND RENE NECARDO SMITH

1<sup>ST</sup> DEFENDANT

SHANNA BODDEN

2<sup>ND</sup> DEFENDANT

AND TO: CLERK OF THE SUMMARY COURT

<p>Rene Necardo Smith            91 Sitwell Drive, Bodden Town, Grand Cayman            (345-517-2863)</p> <p>Shanna Bodden            209 Shedden Road, George Town, Grand Cayman</p>
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THIS PLAINT 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 Complaint on you, counting the day of service you must either satisfy the claim or return to the Court Office, PO Box 495GT, George Town, Grand Cayman, the accompanying Acknowledgment of Service form stating therein whether you intend to contest this action. If you intend to defend the action, in whole or in part, you must set out full particulars of your defence in the space provided in the Acknowledgement of Service form.

If you fail to satisfy the claim or fail to return the Acknowledgement of Service form containing full particulars of your defence, the Plaintiff may apply for a default judgment without any further notice to you.

Issued this day of 2022

See overleaf for particulars of the Plaintiff’s claim.

PARTICULARS OF CLAIM

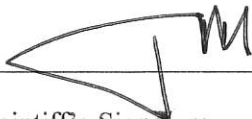
(Here set out in numbered paragraphs the grounds upon which the Plaintiff claims that the Defendant is indebted to him or is liable to pay damages to him)

1. The Plaintiff seeks compensation against the 1<sup>st</sup> and 2<sup>nd</sup> Defendant, for fair market value replacement costs of his 2008 white Toyoto Yaris registration number 163706, in the amount of **CI\$6,500.00**, which was damaged by the 1<sup>st</sup> Defendant in a motor vehicle collision that occurred on **Tuesday 21<sup>st</sup> day of September 2021** at approximately **9:38 a.m.**
2. The Plaintiff also seeks compensation in the amount of **CI\$150.00** for the cost of an Appraisal Report issued to him 30<sup>th</sup> September 2021 by Vehicle Solutions, Equip. and Services, for appraisal of his said vehicle.
3. The Plaintiff, was travelling east in his white Toyoto Yaris registration number 163706, along Crewe Road in the vicinity of Belmont Close, George Town, Grand Cayman. The 1<sup>st</sup> Defendant was driving a Honda Civic registration number 155173, which was registered in the name of the 2<sup>nd</sup> Defendant. The 1<sup>st</sup> Defendant while travelling in the opposite direction and without due care and attention, made a right turn to go onto Belmont Close, causing both vehicles to collide.
4. On the date of the collision the 2<sup>nd</sup> Defendant was the registered owner of the vehicle driven by the 1<sup>st</sup> Defendant.
5. The collision resulted in the Plaintiff's vehicle receives major front-end damages. The 1<sup>st</sup> Defendant vehicle received left rear door damage.
6. The Plaintiff received injuries and was transported to the George Town Hospital for treatment.
7. The motor vehicle collision was investigated by Police Constable 379 K. Gibson.
8. The 1<sup>st</sup> Defendant was charged with the following traffic offences:
  - a. **Careless Driving**
  - b. **Driving without Insurance**
9. On 11<sup>th</sup> April 2022 the 1<sup>st</sup> Defendant was sentenced in the Traffic Court for the said offences.

10. As a result of this matter set out the Plaintiff has suffered loss.

**AND THE PLAINTIFF CLAIMS AGAINST THE DEFENDANTS:**

1. The sum of CI\$6,650.00
2. Interest calculated at the prescribed rate from 21<sup>st</sup> September 2021 to date.
3. Fixed Costs pursuant to section 11 (1) of the Summary Court Rules 2004.
4. Costs pursuant to section 11 (3) of the Summary Court Rules 2004.
5. Such further and/ other relief as this Honourable Court may see fit.



Plaintiff's Signature

Plaintiff's address for service:

C/O Kathleen Ryan  
Attorney-at-Law  
Suite 203B, Level 2,  
256 Crighton Building, Crewe Road,  
George Town, Grand Cayman

**TO:** The Clerk of the Summary Court

**AND TO:** The 1<sup>st</sup> Defendant- Rene Necardo Smith

**AND TO:** The 2<sup>nd</sup> Defendant-Shanna Bodden

IN THE SUMMARY COURT AT GEORGE TOWN

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1<sup>ST</sup> DEFENDANT

SHANNA BODDEN

2<sup>ND</sup> DEFENDANT

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ACKNOWLEDGMENT OF SERVICE

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1 State Defendant's name and address -

**RENE NECARDO SMITH**

91 Sitwell Drive, Bodden Town, Grand Cayman

(345-517-2863) OR

**Lakeside Unit 93, Esterly Tibbetts Highway**

**SHANNA BODDEN**

209 Shedden Road, George Town

Grand Cayman

2 State whether the Defendant intends to contest the action.

Yes

No

3 If you do not intend to contest the action, do you want time in which to pay the claim?

Yes

No

4 If you do intend to contest the action, in whole or in part, you must set out full particulars of your defence overleaf.

Service of the Plaintiff is acknowledged accordingly.

\_\_\_\_\_

Defendant's Signature

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

See Overleaf

PARTICULARS OF DEFENCE

(Here set out in numbered paragraphs the grounds upon which the Defendant says that he is not liable to the Plaintiff, or is not liable for the full amount claimed)

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Defendant's Signature

**REMINDER** - This form must be taken or sent to the Court Office, PO Box 495GT, George Town, Grand Cayman within 14 days of receipt otherwise a default judgment may be entered against you.