

IMPORTANT

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

And as a Noticed Party to:

Cayman First Insurance
Cayman First Centre
17 Vibert Bodden Drive
George Town
Grand Cayman

STATEMENT OF CLAIM

1. At all material times, the plaintiff was a pedestrian, walking in an easterly direction along the side verge of Bodden Town Road. The defendant was the driver of a 2005 Honda Civic motor vehicle bearing registration 138406 ("The defendant's vehicle").
2. On 1 August 2019, at approximately 3.24 pm, the plaintiff was walking in the vicinity of #615 Bodden Town Road. Suddenly and without any warning, the plaintiff was hit from behind by the nearside of the defendant's vehicle, which had been driven in an easterly direction alongside Bodden Town Road.
3. The impact with the plaintiff resulted in the nearside mirror of the defendant's vehicle being torn off as the plaintiff was knocked from his feet and thrown over the front of the defendant's vehicle, where his body collided with the windscreen with sufficient force to shatter the glass. The plaintiff was then thrown against a boundary wall at the side of the road before finally coming to rest on the ground.
4. At all material times, the defendant's vehicle was insured with Cayman First Insurance which had issued a policy of insurance relating to the vehicle in accordance with the Motor Insurance (Third Party Risks) Law (2012 Revision).

Particulars of Negligence

5. The accident was caused by the negligence of the defendant in that she;
 - a) Failed to keep any or any proper lookout;
 - b) Failed to heed the presence of the plaintiff in time or at all;
 - c) Failed to stop, slow down or manage to control the defendant's vehicle to avoid a collision;
 - d) Drove into a collision with the plaintiff;
 - e) Failed to exercise reasonable care; and
 - f) Failed to drive with due care and attention
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 December 1974 and at the date of the accident, he was 44 years old.
8. Immediately after the accident, the plaintiff was taken to the Accident and Emergency Department at George Town Hospital by ambulance where he remained for three days.
9. The plaintiff underwent x-rays and a CT scan where he was diagnosed with a fractured pelvis which has since developed into accident-related arthritis, a soft tissue/sprain injury to his left ankle and left knee, and contusions to his face and right arm, which have healed, leaving residual scarring.

10. The plaintiff has also suffered from anxiety as a result of the accident.

Particulars of Special Damage

11. 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 costs of medical treatment, loss of earnings, travel, gardening services and both gratuitous and paid care.

12. The plaintiff will claim interest pursuant to section 34 of the Judicature Law (2017 Revision) at half the rate as prescribed under the Judgment Debts (Rates of Interest) Rules (as amended) from 1 August 2019 to trial.

AND THE PLAINTIFF claims:

1. General and Special Damage
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.

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.