



GRAND COURT OF THE CAYMAN ISLANDS

**CAUSE NO: OF 2022
LACV0203/2021**

JUAN RAMON ZUNIGA-BROWN

PLAINTIFF

AND:

DARCY ZELAYA RIVERA

DEFENDANT

WRIT OF SUMMONS

TO: Darcy Zelaya Rivera

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff c/o KSG Attorneys-at-Law, 4th Floor, Harbour Centre, 42 North Church Street, George Town, Grand Cayman. P.O. Box 2255 GT, KY1-1107, 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 23rd day of November 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.

This Writ and Statement of Claim is issued by KSG Attorneys at Law whose address for service is 4th Floor, Harbour Centre, 42 North Church Street, George Town, Grand Cayman. P.O. Box 2255 GT, KY1-1107. Zuniga-Brown v Rivera.

STATEMENT OF CLAIM

1. The Plaintiff is an individual who resides in Bodden Town, Grand Cayman, Cayman Islands. He was born on 15 March 1996.
2. On 15 November 2019, at approximately 1.00 am, the Plaintiff was enjoying an evening out with friends and family at Singh's Roti Shop, 108 Dr Roys Dr, George Town. The Plaintiff was sat at a corner table close to the bar.
3. A fight broke out between several men who had been drinking by the bar. Shortly after, several other men who had been dancing in a back room joined the fight. Upon witnessing the fight escalate, the Plaintiff decided to leave. From the corner table the Plaintiff had to pass through the area where the fighting was occurring in order to leave the premises.
4. As the Plaintiff passed the group of men, one male grabbed the Plaintiff's shirt. A second male punched the Plaintiff in the shoulder. The Plaintiff was able to defend himself.
5. Suddenly, the Defendant, who was holding a large kitchen knife approached the Plaintiff and stabbed him in his right arm with the knife. The group of men, which included including the Defendant then began throwing glass bottles at the Plaintiff. In order to defend himself, the Plaintiff was able to pick up some glass bottles, which he threw in the direction of the men and the Defendant. At the same time, he tried to move behind the bar counter to shelter himself from the glass bottles that were being thrown at him. One of the glass bottles hit the Plaintiff above his left eye.
6. The Plaintiff managed to move behind the bar counter, where he began to feel dizzy and weak. The Plaintiff went into shock, collapsed, and fell to the ground.
7. Following an investigation by the Royal Cayman Islands Police Service, the Defendant was identified, subsequently charged, and later convicted of inflicting Grievous Bodily Harm. The Defendant was sentenced to 22 months imprisonment, suspended for two years.
8. The Defendant was ordered to pay the Plaintiff KY\$2,000 in criminal compensation, to which the Defendant shall be given credit.
9. For the purposes of s.18(1)(c) Limitation Act (1996 Revision) the Plaintiff's asserts that his date of knowledge was 24 January 2020, being the date upon which the Plaintiff first had sufficient knowledge as to the identity of Defendant.
10. As a result of the matters set out above, the Plaintiff has suffered personal injury and consequential loss.
11. The Defendant's conduct, motives, and manner of committing the assault and battery are matters which have aggravated the Plaintiff's damage by injuring his proper feelings of dignity and pride and are matters which justify an award of aggravated damages to compensate the Plaintiff for his wounded feelings and loss of self-esteem.

Particulars of Injuries to the Plaintiff

12. The stabbing injury caused a 3x2cm gaping laceration to the middle third medial aspect of the Plaintiff's right arm together with substantial loss of blood.
13. As a result of the glass bottle hitting the Plaintiff's left eye, a 1.5cm laceration was sustained to the Plaintiff's left supra-orbital ridge together with mild hematoma.
14. Paramedics were able to provide treatment to the Plaintiff at the scene, after which he was transported by ambulance to George Town Hospital, where uncontrolled right-sided arterial bleeding was recorded. The Plaintiff became hypertensive and was unable to speak
15. An emergency right brachial artery exploration was performed, following which the artery was repaired with a saphenous vein interposition graft taken from the Plaintiff's groin. The Plaintiff additionally required the surgical removal of a blood clot which had formed in the artery. The laceration above the Plaintiff's left eye was closed with sutures. Following the surgery, the Plaintiff was transferred to ICU intubated, in critical but stable condition.
16. The Plaintiff remained in ICU for observation and post-surgical treatment.
17. The Plaintiff suffered ongoing blurred vision in his left eye and severe photophobia. An extensive ophthalmoscopy was performed, and a diagnosis of post-traumatic anterior Uveitis was made.
18. The Plaintiff was discharged from hospital to outpatient care on 19 November 2019.
19. The Plaintiff was advised that he should not work until his wounds had healed. He was advised that he was fit to return to work, with restricted lifting, on 16 December 2019

Particulars of Special Damage

20. 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 and care and assistance.
21. 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 15 November 2019 to trial.

AND THE PLAINTIFF claims:

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

A handwritten signature in black ink, consisting of the letters 'KSG' in a stylized, cursive font.

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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2022
LACV0203/2021

BETWEEN:

JUAN RAMON ZUNIGA-BROWN

PLAINTIFF

AND:

DARCY ZELAYA RIVERA

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.