



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

**CAUSE NO:        OF 2022**

**BETWEEN:**

**OLGA ORTIZ VALLADARES**

**PLAINTIFF**

**AND:**

**SHAQUILLE HEWITT**

**DEFENDANT**

**WRIT OF SUMMONS**

**TO:** The Defendant  
Shaquille Hewitt

**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 11 Arundel Street, 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        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.

**STATEMENT OF CLAIM**

1. At all material times the Plaintiff was the driver of a Toyota Rav 4 registration 113 591 and the Defendant was the driver of a Nissan Skyline motor vehicle bearing registration number 160 966.
2. On 18<sup>th</sup> December 2019 at approximately 10.40am, the Plaintiff was driving along North Sound Road in the right hand lane heading in a southerly direction when the Defendant pulled out of Caymanian village parking lot and into the path of the Plaintiff's correctly proceeding vehicle.

**Particulars of negligence**

3. The Defendant was negligent in that he:
  - (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 his brakes whether in time or at all;
  - (f) failed to steer or control his vehicle so as to avoid the said collision;
4. The Plaintiff will rely on the doctrine of res ipsa loquitur.
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 21 December 1963 and at the date of the accident she was 55 years old.
7. Following the accident, she was transported to George Town Hospital by ambulance where she underwent a full assessment and x-rays and was diagnosed as having suffered a fracture of her right shoulder and left hand along with soft tissue injuries.
8. She was initially discharged with her right arm supported in cast and a sling and given advice.
9. She underwent surgery two days later on her fractured left hand and was discharged the same day.
10. She was extremely debilitated due to not being able to use her left or right hand. She required significant care and assistance and was unable to work. She had very little use of her hands for a number of months.
11. She underwent a course of physiotherapy and then continued home exercises once Shelter in Place restrictions came into place. Once the regulations relaxed, she underwent further therapy and home exercises.

12. When she returned to work, she did so with considerable difficulties and has only been able to work reduced hours.
13. She remains very restricted and is unable to raise her right arm fully or carry anything of weight in that hand.
14. She still suffers pain to her left hand and struggles to hold items properly due to the pain and restriction.
15. She has been diagnosed with Post Traumatic Stress disorder and has undergone therapy at BHAC and the Counselling Centre.
16. 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**

17. 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



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**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.



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  
4<sup>th</sup> 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.