



IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: GC

OF 2023

(1) ALFREDO POWERY

and

(2) ALFREDO POWERY TRADING AS A&A HEAVY EQUIPMENT

and

(3) ALFREDO POWERY TRADING AS D&D HEAVY EQUIPMENT

Plaintiffs

and

(1) THE CAYMAN ISLANDS GOVERNMENT

and

(2) ATTORNEY GENERAL FOR THE CAYMAN ISLANDS

Defendants

WRIT OF SUMMONS

TO THE DEFENDANTS:

The Cayman Islands Government

Government Administration Building
133 Elgin Avenue
Grand Cayman
KY1-9000
Cayman Islands

Attorney General for the Cayman Islands
Office of the Attorney General
4th Floor, Government Administration Building
133 Elgin Avenue
George Town
Grand Cayman

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs, of 66 Boltins Avenue, West Bay, P.O. Box 212 West Bay, Grand Cayman KY1-1301, in respect of the claims 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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 9 day of March 2023.

NOTE this Writ may not be served later than 4 calendar months beginning with the date of original issuance unless renewed by order of the Court.

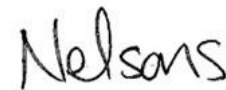
IMPORTANT

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

GENERAL INDORSEMENT

1. The First Named Plaintiff is a businessman, residing at 66 Bolton Avenue, West Bay, Grand Cayman and whose date of birth is 6 July 1963. The Second and Third Named Plaintiffs operate a heavy machinery businesses under the style and title of Alfredo Powery trading as A&A Heavy Equipment and Alfredo Powery trading as D&D Heavy Equipment respectively.
2. The Second Defendant is named in these proceedings by virtue of Section 11 of the Crown Proceedings Act (1997 Revision).
3. On 13 March 2020 at approximately 2.30am, the Plaintiffs were carrying out emergency excavation works at the George Town Landfill, having been engaged to carry out these works by the Department of Environmental Health (the "DEH"), the entity with responsibility for the George Town landfill, pursuant to the Public Health Act (2021 Revision), when suddenly and without warning, the digger which he was operating was caused to topple over (the "Accident").
4. The Accident was caused and/or contributed to by the negligence of the DEH, its servants or agents which included the Cayman Islands Fire Service and as a result of which the Plaintiffs have suffered personal injury, loss and damage.
5. The Plaintiffs therefore claims general and special damages, interest in accordance with s34 of the Judicature Act (2021 Revision) and costs.

DATED this 9 day of March 2023



Nelsons
Attorneys for the Plaintiffs

THIS WRIT OF SUMMONS is filed by Nelsons, Attorneys-at-Law for the Plaintiff, whose address for service is that of his said attorneys at The Grand Pavilion, 802 West Bay Road, P.O. Box 30069, Grand Cayman KY1-1201, Cayman Islands.

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(1) THE CAYMAN ISLANDS GOVERNMENT

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(2) ATTORNEY GENERAL FOR THE CAYMAN ISLANDS

Defendants

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 intend 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 the Defendant

Address for service:

Please complete overleaf

Notes on address for service

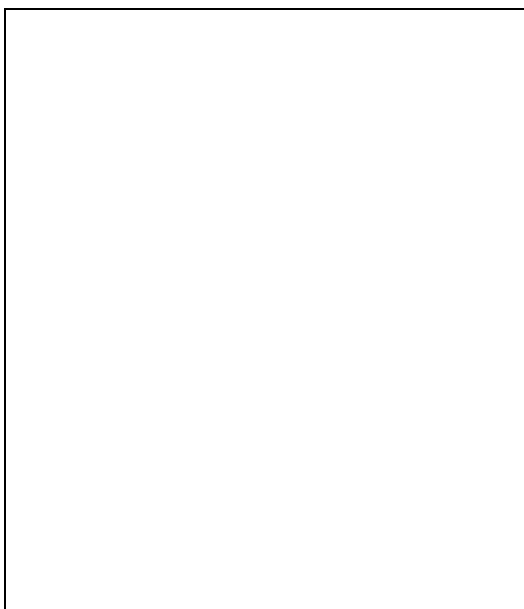
Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

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 Plaintiffs' Attorney (or by Plaintiffs if suing in person) of his name, address and reference, if any, in the box below.

Nelsons
Attorneys at Law
PO Box 30069
The Grand Pavilion
802 West Bay Road
Grand Cayman KY1-1201
Attn: N McMahon/ C Flanagan

Indorsement by Defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.



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 495, 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

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.