

1. The Plaintiff is the husband of Jasmine James ("the Deceased") and is the personal representative of her estate with Letters of Administration having been granted to him on 16 April 2021.
2. The Plaintiff brings this action on behalf of himself, on behalf of the estate of the Deceased pursuant to the Estate Proceedings Law (1995 Revision) and on behalf of the dependents of the Deceased pursuant to the Torts (Reform) Law (1996 revision).
3. The Deceased was a female aged 31, date of birth 27 February 1989.
4. The Defendant was at all material times the driver of a Honda Fit registration 201 339.
5. On the 4 October 2020, the Deceased was a passenger in the Defendant's vehicle. The Defendant was driving the Deceased to her home in Ocean Pointe Villas, West Bay.
6. At approximately 6.30pm the Defendant parked in a parking space at Ocean Pointe Villas and the Deceased exited the vehicle. The Deceased walked towards the front of the vehicle making her way to her home.
7. The Defendant then accelerated, causing the vehicle to drive over the parking block and on to the Deceased.
8. The Deceased was taken to George Town Hospital by ambulance where she was pronounced brain dead.
9. At all material times the Defendant's vehicle was insured with Massy United Insurance Company Limited who had issued a policy of insurance relating to the vehicle in accordance with the Motor Insurance (Third Party Risks Law).

Particulars of negligence

10. The accident was caused by the negligence of the Defendant in that she;
 - a) failed to keep any or any proper look out;
 - b) applied her accelerator in error;
 - c) failed to apply her brakes whether in time or at all;
 - d) failed to steer or control her vehicle;

The Plaintiff also relies on the doctrine of res ipsa loquitur.

11. By reason of the aforesaid, the Deceased died on the 4 October 2020. As a result of her death, her estate and dependents have suffered loss and damage.

The Claim of the Estate pursuant to the Estate Proceedings Law (1995 Revision)

1. The Deceased incurred expenses for her medical treatment at George Town Hospital.
2. The Estate incurred funeral and other expenses.

The Dependency Claim pursuant to the Torts (Reform) Law (1996 revision)

3. The claim under the Torts (Reform) Law (1996 Revision) is brought for the benefit of the following persons, as dependents of the Deceased.
 - a) The Plaintiff and husband of the deceased.
4. The Plaintiff will supply further particulars of losses and a schedule of loss in due course.
5. The Plaintiff will claim interest pursuant to section 34 of the Judicature Act (2021 Revision).

AND THE PLAINTIFF claims:

1. General and Special Damages
2. Interest in accordance with the Judicature Act (2021 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.

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.

[Empty box for defendant's attorney indorsement]