



Writ of Summons (0.6, r.1)

GRAND COURT OF THE CAYMAN ISLANDS  
AT GEORGE TOWN, GRAND CAYMAN  
O. OF 2013

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PEDRO ECHENIQUE

PLAINTIFF

AND:

THE COMMISSIONER OF POLICE,  
THE ROYAL CAYMAN ISLANDS POLICE SERVICE (RCIP)

DEFENDANT

SPECIALLY ENDORSED WRIT OF SUMMONS

TO: DEFENDANT: The Commissioner of Police, The Royal Cayman Islands Police Service (RCIP), Grand Cayman, Cayman Islands.

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff 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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 23 October 2023

NOTE - This Writ may not be served later than 4 calendar 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. The Employer (hereafter referred to as the Defendant) is The Commissioner of Police, the Royal Cayman Islands Police Service (RCIP) on behalf of the Government of the Cayman Islands
2. The Plaintiff was an employee of the Defendant and worked for the RCIP for over 14 years. The Plaintiff will rely on the Employment Agreement dated 9<sup>th</sup> December 2021, and all others signed before, signed by the Defendant and the Plaintiff on 14 December and 29<sup>th</sup> of December 2020 respectively.
3. The Defendant, its servants and agents had a duty of care to see that reasonable care was taken for the safety of its employees, to provide proper equipment and to maintain, inspect and repair its equipment as well as operate and thus drive at all times in a reasonable and safe manner.
4. On 3 March 2021 a drug operation took place involving the Joint Marine Unit/Cayman Islands Coast Guard involving two boats – 27 Ft police patrol vessel MV Trident and the 38Ft M/V Niven-D.
5. There were 4 Officers onboard MV Trident including the Plaintiff. The Plaintiff was sitting in the front seat on the port side of the vessel. That vessel was captained by PC John Andrews, a servant and agent of the Defendant.
6. There was another patrol vessel, 38Ft MV Niven-D, with 4 officers onboard it, which was also involved in this operation. There was also a Police helicopter, X-ray 1, involved in this chase which announced over the radio that it had spotted the suspect vessel which resembled a Jamaican canoe and they could see that the crew had started to throw several packages overboard and it then turned and started to proceed in a southeast direction towards Jamaica at a very high rate of speed.
7. This information was transmitted by radio back to command centre and Chief Inspector Sean Bryan replied over the radio to let the men on the Jamaican canoe go, but to recover the packages that were dumped overboard. The helicopter pilot then stated that the Jamaican canoe was slowing down due to the weather conditions. Lieutenant Commander Anglin then informed both vessels that Trident and the Niven D make best speed and to intercept the suspect vessel. Both vessels proceeded to intercept the suspect vessel. The sea was rough with wave heights of 6 to 8 feet which caused the patrol vessels to bounce around a lot and at times jump out of the water. Mr. Echenique told the Boat Captain that this is not a life and death situation so what was the need for the boat to continue this pursuit at such a high rate of speed if CI Bryan had already said to let them go. He stated that they should slow down.
8. During the chase to intercept the fleeing vessel MV Trident exited the water and landed more on the port side which caused everyone onboard to bounce up and down very hard. This impact was so hard that the Plaintiff cried out in pain that his back was injured and that they must stop the vessel. This information was relayed over the radio to command centre. The Captain of MV Trident contacted the MV Niven-D to come alongside MV Trident so that the Plaintiff could be taken off that boat so that they could transport him to the Frank Sound Dock where medical assistance would be waiting to transport him to George Town Hospital. Lt Commander Anglin instructed MV Trident to resume the chase of the canoe vessel.
9. The fleeing vessel was intercepted about 25 miles southeast of the Cayman Islands with 4 Jamaican nationals onboard. Just as the vessel was intercepted MV Trident lost all engine

power and it also started to take on water from what appeared to be a missing hatch that was located on the vessel transom that came lose during the chase.

9. The Plaintiff considers that the accident occurred as a result of the negligence of the Defendant, its servants or agents, as the M/V Trident had not been commissioned, it did not have the requisite equipment on board and was driven in a manner and standard that was dangerous and thus unsafe.

#### PARTICULARS OF NEGLIGENCE

The below are the best particulars which the Plaintiff can give at this time until after discovery and/or interrogatories herein.

- a. The Defendant failed to maintain all necessary equipment on the M/V Trident in that the boat used was not commissioned and did not have on it the relevant and approved equipment for it to be in a proper working manner or order.
  - b. The Defendant failed to properly maintain/service the boat.
  - c. The M/V Trident was at the material time being driven by the Defendant's servant or agent in such a manner that it was unsafe for the passengers and caused damage to the boat and to the Plaintiff.
18. Further it is averred that the facts of the accident speaks for themselves as being an occurrence which cannot normally happen without negligence due to a failure to properly drive the motor boat in the prevailing conditions and/or use of the correct equipment.
19. By reason of these matters and the negligence of the Defendant, its servants or agents, the Plaintiff sustained injuries and he has suffered loss and damage.

#### Particulars of Injuries

20. The Plaintiff's date of birth is 29 November 1959 and he has suffered various personal injuries as a result of this accident and has suffered amongst other things a compression fracture of the T12 vertebral body and after clinical examination shows stiffness in his thoracolumbar spine and a secondary scoliosis and a slight increase of the kyphosis at the C7-T1 region and all injuries documented so far in the medical report of Dr. Frank Smith, MB, CHB, FRCSC.

#### Particulars of Special Damages

The Plaintiff will particularise all medical expenses in due course or at the time of disclosure.

AND the Plaintiff claims

- (i) Damages
- (ii) Further, pursuant to The Judicature Law (1995 Revision), the Defendant is entitled to and claims interest on such sums as are found to be due at such rate and for such period as the Court shall think fit.
- (iii) Costs.



Clyde H. Allen, Chambers

THIS WRIT was issued by CLYDE H. ALLEN, CHAMBERS on behalf of the Plaintiff whose address for service is P. O. Box 31076, KY1-1205, George Town, Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO: OF 2023

BETWEEN

PEDRO ECHENIQUE

PLAINTIFF

AND:

THE COMMISSIONER OF POLICE,  
THE ROYAL CAYMAN ISLANDS POLICE SERVICE (RCIP)

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 (s) 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  
Address for service: (please see overleaf)

*Please complete overleaf*

**Note 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: 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.*

Clyde H. Allen  
CHAMBERS  
Attorneys-At-Law  
P.O. Box 31076  
KY1-1205  
Cayman Islands

*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]