



**GRAND COURT OF THE CAYMAN ISLANDS
DIVISION**

CAUSE NO: OF 2023

MARIA ALVAREZ SANTOS

PLAINTIFF

AND:

LORETTA MARIE WESTIN

DEFENDANT

WRIT OF SUMMONS

TO: The Defendant
 Loretta Marie Westin

And as a Noticed Party To: Cayman First Insurance Company Ltd.
 Cayman First Centre,
 17 Vibert Bodden Drive
 P.O. Box 2171
 Grand Cayman KY1-1105

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of 64 Schooner Lane, West Bay, Grand Cayman, Cayman Islands 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 2023

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 for the Plaintiff whose address for service is 3rd Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107. Alvarez

STATEMENT OF CLAIM

1. At all material times the Plaintiff was the driver of a Chevrolet Avero bearing registration number 129 562.
2. The Defendant was at all material times the driver of a Mercedes Benz motor vehicle bearing registration number 186 078.
3. At all material times the Defendant's vehicle was insured with Cayman First Insurance Ltd who had issued a policy of insurance relating to the vehicle in accordance with the Motor Insurance (Third Party Risks Law).
4. On 23rd November 2020, the Plaintiff was driving along Shedden Road with the Defendant travelling behind her in the same direction. In the vicinity of Archies Bar the Plaintiff came to a stop in a queue of traffic, the Defendant failed to stop causing a collision with the rear of the Plaintiff's vehicle and pushing her into the vehicle ahead.
5. The accident was caused by the negligence of the Defendant.

Particulars of Negligence

6. The Defendant was negligent in that she:
 - a) failed to keep any or any proper look out;
 - b) failed to see the Plaintiff's vehicle in time or at all;
 - c) failed to apply her brakes whether in time or at all;
 - d) failed to steer or control her vehicle so as to avoid the said collision;

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

7. By reason of the aforesaid, the Plaintiff has suffered personal injury, loss and damage.

Particulars of Injury

8. The Plaintiff, whose date of birth is 28 September 1971, was 49 years old at the date of the accident.
9. Following the accident, she was taken to George Town Hospital by ambulance for treatment. She was assessed as having sustained injuries to the right of her neck and back, she underwent x-rays and was provided pain medication.
10. She reattended the following week with continued pain to the right neck and swelling of the clavicle along with headaches. She underwent further imaging and was provided with further medication and a sick note.

11. She thereafter followed up with her GP, Dr Arminan at the Celimar Clinic in early 2021 with continued pain in her neck and shoulder and experiencing headaches.
12. She underwent physiotherapy at the Da Vinci Centre in March 2021.
13. She underwent further radiology in Honduras as she continued to suffer pain.
14. She attended Health City Cayman Islands in early 2022 as the pain to her shoulder and collar bone continued to get worse. She underwent Chest x-ray and CT of the sternoclavicular joints. She was advised to undergo further imaging and then she may require reduction and fixation of the right sternoclavicular joint. She was advised to undergo further physiotherapy to try and avoid surgery.
15. A second opinion was requested and thus she attended Cayman Orthopaedic commencing February 2023. She was noted to have deformity and instability over the sternoclavicular joint, with pain and reduced range of motion. Conservative measures were considered, and she was referred to a shoulder specialist, Dr Khan.
16. Initially Dr Khan attempted a sub acromial steroid injection but with no relief and thus he concluded she requires surgery.
17. She remains under the care of her physicians and in need of further treatment. She is currently unable to work due to her injuries.
18. Further particulars of the Plaintiff's injury and treatment will be provided at a later date by way of a schedule of loss.

Particulars of Special Damage

19. The Plaintiff has suffered loss and incurred expenses as a result of the accident.
20. 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 loss of income, medical treatment, travel, equipment and gratuitous care.

Statement as to Interest

21. The Plaintiff will claim interest pursuant to section 34 of the Judicature Act (2021 Revision) at half the rate as prescribed under the Judgment Debts (Rates of Interest) Rules (as amended) from 23rd November 2020 to trial.

AND THE PLAINTIFF CLAIMS:

1. General Damages;
2. Special Damages;
3. Interest in accordance with the Judicature Act (2021 Revision);
4. Costs;
5. Such further or other relief that his Honourable Court deems just.



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
CIVIL DIVISION**

CAUSE NO: OF 2023

BETWEEN:

MARIA ALVAREZ SANTOS

PLAINTIFF

AND:

LORETTA MARIE WESTIN

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
3rd Floor One Capital Place
Shedden Road
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.