



GRAND COURT OF THE CAYMAN ISLANDS

**CAUSE NO: OF 2023
LACV0203/2023**

LILYBELLE SHARON KELLY CARTER

PLAINTIFF

AND:

WAYNE DAVID WRIGHT

DEFENDANT

WRIT OF SUMMONS

TO: Wayne David Wright

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff c/o KSG Attorneys-at-Law, 3rd Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255 GT, KY1-1107, 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 December 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.

STATEMENT OF CLAIM

1. The Plaintiff is an individual born on 3 December 1986 who resides in Savannah, Grand Cayman, Cayman Islands.
2. On 31 December 2020, at approximately 11.30 pm, the Plaintiff was attending the Sea Inn Bar, Shedden Road, George Town accompanied by Jordan Wright.
3. Whilst entering the bar she encountered her ex-boyfriend, John Smith who attempted to talk to her and she refused advising that it was not the place to do so.
4. The two men began an argument and so the Plaintiff suggested that she and Jordan leave the bar. The argument moved toward the edge of the road and the Plaintiff followed and whilst trying to stop the argument, she was hit to the ground by a White Honda registration 160 429.
5. From the ground she was able to identify the driver as the Defendant, Wayne David Wright.
6. Then Police attended and called an ambulance for the Plaintiff.
7. Following an investigation by the Royal Cayman Islands Police Service, the Defendant was charged and convicted in relation to the incident.
8. As a result of the matters set out above, the Plaintiff has suffered personal injury and consequential loss.

Particulars of Injuries to the Plaintiff

9. The Plaintiff was shocked and in pain and she was taken by ambulance to George Town Hospital where she was examined and underwent x-ray.
10. She developed extensive bruising to her legs and back and also a soft tissue injury to her hand.
11. She reattended two weeks later with continued pain in her lower back. A CT scan was ordered which confirmed a displaced fracture to her coccyx.
12. She was discharged with medication and a donut cushion.
13. She has attended with her GP in Honduras who has diagnosed sciatica and prescribed medication. She suffers rheumatoid arthritis which has been exacerbated.
14. The Plaintiff continues to suffer extreme pain in her lower back which causes significant restrictions. She has had limited medical treatment as she does not have health insurance.

Particulars of Special Damage

15. The Plaintiff's particulars of special damage will be forwarded in due course by way of a Schedule of Loss, including but not limited to claims for costs of medical treatment, loss of earnings, travel and care and assistance.
16. The Plaintiff will claim interest pursuant to section 34 of the Judicature Act (2017 Revision) at half the rate as prescribed under the Judgment Debts (Rates of Interest) Rules (as amended) from 31 December 2020 to trial.

AND THE PLAINTIFF claims:

1. Damages and Aggravated Damages.
2. Interest in accordance with the Judicature Act (2017 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.

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
136 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.