



GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2024

STACEY-ANN MCLEISH

PLAINTIFF

AND

ELROY WATLER

DEFENDANT

WRIT OF SUMMONS

TO: Elroy Watler
659 Austin Connolly Drive
East End
Grand Cayman
Cayman Islands

AND AS A NOTICED PARTY TO:

BRITCAY Insurance Company
236 Eastern Avenue
P.O. Box 74, George Town
Grand Cayman
Cayman Islands
KY1-1102

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 the Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495, George Town, Grand Cayman, 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 Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.

Issued this ___ **day** of _____ 2024

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 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 and was at all material times an employee at Wendy's Cayman and the driver of a 2016 Ford Transit motor vehicle registered 199 179.
2. The Defendant is and was at all material times the owner and driver of a 2010 Ford Taurus motor vehicle registered 141 896.
3. On or around April 20, 2021, the Plaintiff was lawfully driving the motor vehicle along Linford Pierson Highway going towards Bobby Thompson Way in George Town when she came to a gradual stop behind a line of traffic.
4. The Defendant, who was travelling behind the Plaintiff, in the same lane, going in the same direction collided with the rear of the Plaintiff's then stationary motor vehicle.
5. The said collision was caused by the negligence of the Defendant.

PARTICULARS OF NEGLIGENCE OF DEFENDANT

- I. Driving too fast in the circumstances.
 - II. Failing to keep his vehicle under any or any effective control.
 - III. Failing to heed the presence of the Plaintiff's stationary motor vehicle.
 - IV. Failing to apply the two-second rule pursuant to Rule 3.5.2 of the Road Code.
 - V. Failing to stop, slow down, swerve or otherwise maneuver his motor vehicle to avoid colliding into the back of the Plaintiff's motor vehicle.
6. As a result of the collision, the Plaintiff suffered personal injury, loss and damage and incurred expenses.

PARTICULARS OF INJURIES

- a. Whiplash
 - injury to cervical spine at C7-T1 level of vertebrae.
 - b. Injury to right shoulder
 - undersurface tear of infraspinatus,
 - bursal surface tear of posterior part of supraspinatus,
 - acromioclavicular joint injury,
 - disability in rotator cuff of right shoulder.
7. The Plaintiff, born on May 18, 1976, was forty-five (45) years old when the motor vehicle accident took place. She suffered pain in her right shoulder and neck. The Plaintiff has suffered a disability in the rotator cuff actions of the right shoulder because of the accident. She has also suffered spinal injury to her cervical spine and C7-T1 left uncovertebral joint arthrosis causing dysfunction of the nerve root passing through the foramen. Additionally, there are continuing spasms of trapezius muscle and secondary adhesive capsulitis (frozen shoulder). The recommended treatment for the shoulder injury is stem cell therapy which

involves the injection of the Plaintiff's own cells to encourage angiogenesis (the growth of new blood vessels which would foster healing). The Plaintiff has had some success with this treatment, but the lingering effects of the motor vehicle accident has rendered her unable to re-enter the labour market despite her several attempts.

8. Take notice that the Plaintiff reserves the right to update this head as further particulars become available.

PARTICULARS OF SPECIAL DAMAGES

9. The Plaintiff has suffered loss and incurred expenses because of the accident.
10. The special damages claimed by the Plaintiff are set out in the Schedule of Past and Future expenses and losses which is attached hereto.

And the Plaintiff claims:

1. Damages.
2. Interest on General Damages at 2.375% p.a. from the date of service of the Writ of Summons.
3. Interest on special damages at 2.375% p.a. from the date of the accident to the date of trial or settlement.
4. Costs.
5. Such further or other relief as this Honourable Court deems fit.

DATED this ^{4th} day of January 2024

CP Attorneys

CP ATTORNEYS
Attorneys-at-Law for the Plaintiff

This **WRIT AND STATEMENT OF CLAIM** is filed by **CP Attorneys**, Attorneys-at-Law for and on behalf of the **Plaintiff**, whose address for service is Unit 118, Elizabethan Square, 80 Shedden Road, George Town, P.O. Box 561, Grand Cayman KY1-1602, Cayman Islands, W: www.cplegal.ky | E: clayton@cplegal.ky | T: 345-623-8088.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2024

BETWEEN

STACEY-ANN MCLEISH

PLAINTIFF

AND

ELROY WATLER

DEFENDANT

SCHEDULE OF PAST AND FUTURE EXPENSES

	KYD\$
General Damages	61,490.00
<u>Special Damages</u>	
1. Accident report dated April 25, 2021	100.00
2. Loss of past earnings (28,800 per year for 2.67 years)	76,896.00
3. Loss of future earnings (Ogden Tables 8 th Edition: 28,000 x 14.2)	415,296.40
4. Cayman Neurosurgeons International Group 05/19/2021 (owed)	235.00
(paid)	40.00
5. Cayman Physiotherapy Invoice Dated: 5/21/2021 (owed)	765.00
6. The Medical Specialists Ltd. Receipt dated 04/30/2021	1,500.00
7. Hot Pack 5/18/2021 (Paid)	25.00
8. CTMH Doctors Hospital 04/20/2021 (owed)	596.28
(paid)	229.27
9. Cayman Islands HAS 04/20/2021 (paid)	157.00
10. Health Care Pharmacy 04/20/2021 (paid)	13.25
11. Cayman Orthopaedic Group (owed)	363.93
(paid)	90.98

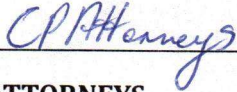
12. Med Lab Inc. (X-Ray) 04/20/2021 (paid)	75.00
13. Health Care Pharmacy Ltd. 04/20/2021 (paid)	<u>22.30</u>
Total	557,895.41

And these expenses continue.

And the Plaintiff claims:

1. Damages.
2. Interest on General Damages at 2.375% p.a. from the date of service of the Writ of Summons.
3. Interest on special damages at 2.375% p.a. from the date of the accident to the date of trial or settlement.

DATED this 4th day of January 2024



CP ATTORNEYS
Attorneys-at-Law for the Plaintiff

This **WRIT AND STATEMENT OF CLAIM** is filed by **CP Attorneys**, Attorneys-at-Law for and on behalf of the **Plaintiff**, whose address for service is Unit 118, Elizabethan Square, 80 Shedden Road, George Town, P.O. Box 561, Grand Cayman KY1-1602, Cayman Islands, W: www.cplegal.ky | E: clayton@cplegal.ky | T: 345-623-8088

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 the Defendant's Acknowledgment of Service that the Defendant 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 that Defendant's defence within the appropriate time, the Plaintiff may enter judgment against the Defendant 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 the Defendant intends to apply for a stay, execution will be stayed for 14 days after that Defendant's Acknowledgment, but the Defendant must, within that time, issue a Summons for a stay of execution, supported by an affidavit of the Defendant's 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 the Defendant.
3. Where the Defendant is sued in a name different from the Defendant's own, the form must be completed by the Defendant 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 that Partner's name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN THAT PERSON'S OWN, the form must be completed by the Defendant with the addition in paragraph 1 of the description "trading as (.....)" after that Defendant's 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

CAUSE NO. OF 2024

BETWEEN
PLAINTIFF

STACEY-ANN MCLEISH

AND
DEFENDANT

ELROY WATLER

ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you, give that Attorney this form IMMEDIATELY.

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 this Writ is acknowledged accordingly

(Signed) _____
Defendant/Attorney for the Defendant

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 communication 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.

CP Attorneys
118 Elizabethan Square
80 Shedden Road
George Town
P.O Box 561
Grand Cayman KY1-1602
Cayman Islands

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

[Empty box for defendant's attorney indorsement]