



GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2024

PHILIP THOMAS

PLAINTIFF

AND

VERONICA MCKITRICK

DEFENDANT

WRIT OF SUMMONS

TO: Veronica McKitrick
 c/o 46 Canal Point Drive
 West Bay Road
 Strand Shopping Centre
 Grand Cayman Islands
 Cayman Islands

AND AS A NOTICED PARTY TO:

Island Heritage Ins. Co.
 128 Lawrence Boulevard
 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 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 February 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 a self-employed car electronics specialist operating under the trade name All About Electronics, and the driver of motor vehicle registered **153 417**.
2. The Defendant at all material times was the driver and owner of the motor vehicle registered **171 373**.
3. On or about the 10th of June 2021 the Plaintiff was lawfully driving the said motor vehicle registered **153 417** along Shamrock Road heading east towards Prospect. The east bound section of the road where the Plaintiff was driving is a single-lane one-way road.
4. The Defendant, apparently, unaware of the designation of the roadway, in breach of the one-way, drove her said motor vehicle registered **171 373** in a westerly direction onto the said east-bound single lane roadway directly into the path of motor vehicle registered **153 417** resulting in a head-on collision.
5. This accident was caused by the negligence of the Defendant.

Particulars of Negligence of the Defendant

- (a) Failed to heed the one-way;
 - (b) Drove too fast in all the circumstances;
 - (c) Failed to stop or manoeuvre motor vehicle registered **171 373** in due time so as to avoid the collision;
 - (d) Failed to apply the brakes in due time;
 - (e) Failed to read and recognize the relevant road signals as she approached a designated one-way;
 - (f) Driving contrary to the designated direction of the roadway;
 - (g) Caused motor vehicle registered **171 373** to collide head-on into motor vehicle registered **153 417**;
 - (h) Failed to stop slow down, steer or otherwise control her motor car so as to avoid the collision;
6. By reason of the aforesaid, the Plaintiff has suffered personal injury, loss, and damage and incurred expenses.

Particulars of Injury

- a. Soft tissue injury to the right shoulder;

- b. Pain to the right index finger,
- c. Numbness in finger of right hand,
- d. Numbness in right hand,
- e. Pain and injury to the neck, and
- f. Pain and injury to the chest.

The Plaintiff, who was born on the 8th of August 1970 and was aged 51 (fifty-one) at the time of the incident (10th of June 2021) suffered pain to his right shoulder, chest, right index finger and neck. The pain in his chest and neck continues. He is also suffering numbness to a finger on his right hand and numbness in the right hand itself. Consideration should be given to the fact that the pain has been ongoing ever since the initial treatment received at Cayman Islands Hospital in June 2021 (i.e. over 2 years). Our client is a self-employed Car Electronics Specialist who works alone and after having to take a few days of sick leave, had to return work eventually and mitigate his situation. Loss of Earnings has accumulated since he was forced to outsource his work to maintain existing and new contracts.

Particulars of Special Damage

7. The Plaintiff has suffered loss and incurred expenses because of the accident.
8. The Special damages claimed by Plaintiff are set out in the schedule of past and future expenses and losses which is attached hereto.

Statement as to Interest

9. The Plaintiff claims interest upon such damages and amount found due pursuant to section 34 of the Judicature Law [2021 Revision] or otherwise at such rate as this Honourable Court deems fit.

AND THE PLAINTIFF CLAIMS:

- A. Damages;
- B. Interest in accordance with the Judicature Law [2021 Revision];
- C. Costs;
- D. Such further or other relief that this Honourable Court deems fit.



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.

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SCHEDULE OF PAST AND FUTURE EXPENSES

	KYD\$
General Damages	20,591.00

Special Damages

The following are claimed for special damages:


- | | |
|---|------------------|
| 1. Loss of Future Earnings
Ogden Tables 8th Edition: 22,839 x 11.82(Table 9)
Less \$49,674.00 (11.82 x 0.46 x \$9,135.96) | 220,281.96 |
| 2. Loss of Past Earnings:
At \$761.33 per month for 18 months | 13,703.94 |
| 3. The Family Practice:
19/09/2023(Paid) | 100.00 |
| 4. Health City Cayman Islands
04/10/2023(Paid) | 53.79 |
| 5. Cayman Islands Hospital HSA
Statement: 18/10/2023 (Owe)
(Paid) | 577.60
220.01 |

6. Car Towing Service June 10, 2021 an July 3, 2021

(Paid)	165.00
7. Car Rental AutoCay Motors for 12 days 11/06/21(Paid)	360.00
8. Estimated Cost for MRI and Nerve Conduction	5,000.00
9. Estimated Cost for Transportation Expense	<u>1,000.00</u>
TOTAL	<u>\$262,053.30</u>

Interest

1. On general damages at 2.375% p.a. from the date of service of Writ of Summons.
2. On special damages at 2.375% p.a. from date of accident to date of trial or settlement.



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 SERVICES
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 "Statements of Claim" appear on the top of page 2) the Defence must be served within 28 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgement is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 28 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 judgement 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 is 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 28 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 (.....)” his name.
6. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorized 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.

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BETWEEN:

PHILIP THOMAS

PLAINTIFF

AND

VERONICA MCKITRICK

DEFENDANT

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 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
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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
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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 Plaintiff's Attorney (or by Plaintiff 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 his name, address and reference, if any, in the box below.

[Empty box for Defendant's Attorney indorsement]