



**GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION**

CAUSE NO: OF 2024

OLIVE WATSON

PLAINTIFF

AND:

ANDREW O DONOGHUE

DEFENDANT

WRIT OF SUMMONS

TO: The Defendant
 Andrew O Donoghue

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 302 Bankers Road, Mount Pleasant, 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 March 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 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 GT, KY1-1107. Watson

STATEMENT OF CLAIM

1. At all material times the Plaintiff was the driver of a Toyota Hiace minibus bearing registration number 174 052.
2. The Defendant was at all material times the driver of a Kia Picanto motor vehicle bearing registration number 173 443.
3. At all material times the Defendant's vehicle was insured by Cayman First Insurance Ltd who had issued a policy of insurance relating to the vehicle in accordance with the Motor Insurance (Third Party Risks) Act.
4. On 6th March 2021 at approximately 5.00am, the Plaintiff was driving in a southerly direction towards George Town along West Bay Road and the Defendant was travelling in the opposite direction. In the vicinity of Silver Sands condominiums, the Defendant drove his vehicle onto the wrong side of the road and into the path of the Plaintiff's correctly proceeding vehicle, causing a collision.
5. The accident was caused by the negligence of the Defendant.

Particulars of Negligence

6. The Defendant was negligent in that he:
 - a) failed to keep any or any proper look out;
 - b) failed to see the Plaintiff's vehicle in time or at all;
 - c) drove into the Plaintiff's path when it was unsafe and dangerous to do so;
 - d) failed to apply his brakes whether in time or at all;
 - e) failed to steer or control his vehicle so as to avoid the said collision;
 - f) failed to maintain his vehicle within his own lane;

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 1 September 1953, was 67 years old at the date of the accident.
9. The collision was high impact and the Plaintiff lost consciousness and was trapped in her vehicle. She was extricated by the fire service, treated by emergency medical personnel at the scene of the accident and subsequently taken to George Town Hospital for further treatment.
10. The Plaintiff sustained the following injuries:

- (a) Degloving scalp injury;
 - (b) Lacerations to right eyelid and forehead;
 - (c) Laceration left shin;
 - (d) Laceration right knee and leg;
 - (e) Neck pain with fractures at C5, C6 and C7;
 - (f) Back pain;
 - (g) Minor traumatic brain injury and post concussion syndrome
11. The Plaintiff underwent surgery for extensive debridement and suturing of lacerations.
 12. The Plaintiff was admitted to George Town Hospital where she was attended to by general surgery, orthopaedic surgery, ophthalmology and neurosurgery consultants.
 13. She remained an inpatient until the 11 March 2021
 14. Due to pain in her lower leg, she returned to hospital and was admitted for a further week due to wound infection.
 15. She thereafter received regular dressing changes and wound care for several months.
 16. She underwent treatment at Rehoboth Physio and Paincare clinic.
 17. She suffered burns to her right-hand side in August 2022 when struggling to cook for herself.
 18. She was reviewed by Dr Smith at Cayman Orthopaedic Group in March 2023 reporting numbness to her hands, neck, shoulder and leg pain.
 19. The Plaintiff is a taxi driver but has been unable to return to work or drive since the accident.
 20. She is unable to ambulate without aids, remains sedentary and uses a wheelchair.
 21. She continues to suffer from her injuries, but treatment has been limited due to a lack of funds.
 22. She also suffers depression and anxiety due to the injuries sustained in the accident and impact on her life.
 23. Further particulars of the Plaintiff's injury and treatment will be provided at a later date by way of a schedule of loss and the Plaintiff will rely on a medicolegal report.

Particulars of Special Damage

24. The Plaintiff has suffered loss and incurred expenses as a result of the accident.

25. 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

26. 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 6th March 2021 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.

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.