



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

CAUSE NO. G of 2024

BETWEEN:

MELISHA MCCLOUD KNIGHT

Plaintiff

-AND-

BARON ERNIE JACOB

Defendant

WRIT OF SUMMONS

To: **Baron Jacob**
319 West Bay Road, Unit 26
Grand Cayman
Cayman Islands

And as a Noticed Party to: **Cayman First Insurance**
Cayman First Centre
17 Vibert Bodden Drive
George Town
Grand Cayman KY1-1106
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 this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495GT, George Town, Grand Cayman, 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 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 7th 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.

STATEMENT OF CLAIM

1. At all material times the Plaintiff, Melisha McCloud Knight, was a visitor to the Cayman Islands and the operator of a “Bird” scooter.
2. The Defendant, Baron Ernie Jacob, was at all material times the owner and operator of a 2011 Jeep Cherokee, with motor vehicle registration number 144 610.
3. On the evening of 24 December 2022, the Defendant was travelling north along Canal Point Drive and stopped at the junction of West Bay Road. The Plaintiff was travelling north along the southbound lane of West Bay Road and also stopped upon seeing the Defendant at the junction. The Plaintiff and the Defendant subsequently moved off from the junction at the same time causing the front end of the Defendant’s vehicle to collide with the Bird Scooter and knock the Plaintiff to the ground causing injury.
4. The collision was caused by the negligence of the Defendant and or breach of the statutory duties under Sections 67 and 68 the *Traffic Act* 2021.

PARTICULARS

5. The Defendant was negligent and is guilty of breach of the said statutory duties by:
 - a. failing to exercise due care and attention when using the road and to have due regard to the safety and comfort of other road users and the preservation and protection of public and private property;
 - b. driving at a speed which was too fast in the circumstances;
 - c. failing to give way to the scooter on the main road;
 - d. failing to apply his brakes whether in time or at all;
 - e. failing to steer or control his vehicle so as to avoid the said collision;
 - f. failing to exercise reasonable skill and care to be expected of a reasonably skillful and careful driver in the circumstances; and
 - g. failing to take reasonable care in all the circumstances.
6. Further or alternatively, the Plaintiff will rely on the doctrine of *res ipsa loquitur*.

7. By reason of the Defendant's negligence and breach of his statutory duty the Plaintiff has suffered personal injury, loss, and damage.

PARTICULARS OF INJURIES TO THE PLAINTIFF

8. The Plaintiff, whose date of birth is 28 September 1977 was 45 years old at the date of the collision. The Plaintiff was treated by ambulance personnel at the scene and returned to the United States the day following the collision and immediately attended the Emergency Department of Piedmont Newnan Hospital in Georgia, USA.
9. The Plaintiff suffered serious injuries as a result of the collision and continues to suffer as a result of the injuries sustained. The injuries include the following:
 - a. Abrasions to body;
 - b. Disc herniation at C4-5, and C5-6 vertebrae;
 - c. Back pain;
 - d. Neck pain (Cervicalgia)
 - e. Head pain;
 - f. Concussion;
 - g. Left shoulder pain;
 - h. Left arm pain;
 - i. Left leg pain;
 - j. Left hip pain
 - k. Wound to hand;
 - l. Insomnia; and
 - m. General muscle weakness.

10. The Plaintiff no longer requires treatment for injuries but continues to experience flare ups of pain. Full particulars of the Plaintiff's injuries and the impact of them upon her will be provided prior to trial.

PARTICULARS OF SPECIAL DAMAGE

11. At the time of the collision the Plaintiff was a teacher and owned and operated her personal business. Due to the injuries sustained she was unable to work for some time and has therefore suffered a past loss of income.

12. In addition, the Plaintiff's wedding ring and Hermes Gold Orange sandals were destroyed as a result of the collision. Both items are of significant value.
13. The Plaintiff has suffered loss and incurred expenses as a result of the collision which are ongoing. Full 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, gratuitous care, interest, and costs. Full particulars of the Plaintiff's special damages and losses, which are continuing, will be provided prior to trial.
14. The Plaintiff claims pre and post judgment interest on all losses, damage and expenses pursuant to section 34 of the *Judicature Act (2021 Revision)* in accordance with the *Judgment Debt (Rates of Interest) Rules* (as amended).

AND THE PLAINTIFF CLAIMS:

- A. General damages;
- B. Special damages;
- C. Pre-judgment interest in accordance with Section 34 of the *Judicature Act (2021 Revision)*;
- D. Post-Judgment interest in accordance with Section 34 of the *Judicature Act (2021 Revision)*;
- E. Costs;
- F. Such further and other relief as this Honourable Court deems just.

Dated this 7th day of March 2024.



Broadhurst LLC

Attorneys-at-Law for the Plaintiff

This Writ and Statement of Claim was issued by Broadhurst LLC, Attorneys-at-Law for the Plaintiff, whose address for service is 4th Floor, Monaco Towers, 54 Edward Street, George Town, Grand Cayman, Cayman Islands, KY1-1104.

INDORSMENT AS TO INSURER OF MOTOR VEHICLE

The Plaintiff's claims arise out of the use of a motor vehicle on a public road. The insurer of the vehicle of the Defendant named herein is Cayman First Insurance, Cayman First Centre, 17 Vibert Bodden Drive, George Town, Grand Cayman KY1-1105, Cayman Islands.

INDORSMENT AS TO INTEREST

Interest on both general and special damages in accordance with the *Judicature Act (2021 Revision)* in accordance with the *Judgment Debts (Rates of Interest) Rules* (as amended) to be assessed.

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS**

1. The accompanying form of *Acknowledgement 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, PO Box 495, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 endorsed on the Writ (i.e. the words “Statement of Claim” appear on the top of page 2). The defence must be served within fourteen (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 endorsed on the Writ, the defence need not be served until fourteen (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 fourteen (14) days after his Acknowledgement, 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 installments or otherwise.

Please complete overleaf

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
2. For the purpose of calculating the period of fourteen (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 authorized to act on behalf of the Company, but the Company can take no further steps in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL HEALTH 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:

MELISHA MCCLOUD KNIGHT

Plaintiff

-AND-

BARON ERNIE JACOB

Defendant

ACKNOWLEDGEMENT 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
[Defendant in Person]
Address for service:

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 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.

Endorsement by Plaintiff’s Attorney (or by Plaintiff if suing in person) of his name, address and reference, if any, in the box below.

BROADHURST LLC
ATTORNEYS-AT-LAW
4th FLOOR MONACO TOWERS
54 EDWARD STREET
GEORGE TOWN
P.O. BOX 2503
GRAND CAYMAN
KY1-1104

Endorsement 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 endorsement]