



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

**CAUSE NO:           OF 2024  
LACV0270/2023**

**HETRECIA HAEMONA FRECKLETON**

**PLAINTIFF**

**AND:**

**DWAYNE DWIGHT BROWN**

**DEFENDANT**

**WRIT OF SUMMONS**

**TO:** The Defendant

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff of 3064 Shamrock Road, Bodden Town, 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 14 day of June 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 3<sup>rd</sup> Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107. Freckleton v Brown.

**STATEMENT OF CLAIM**

1. At all material times the Plaintiff was the driver of a Ford Fiesta bearing registration number 180 311.
2. The Defendant was at all material times the driver of a Toyota Rav4 bearing registration 186 967 and was uninsured.
3. On 14 April 2023, the Plaintiff was driving along Shamrock Road approaching the Grand Harbour roundabout. On approaching the roundabout at Grand Harbour, the Plaintiff came to a stop when the Defendant drove into collision with the rear of the vehicle in which the Plaintiff was driving.
4. The accident was caused by the negligence of the Defendant.

**Particulars of Negligence**

5. 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 whether in time or at all;
  - c) failed to apply his brakes whether in time or at all;
  - d) failed to steer or control his vehicle so as to avoid the said collision.

The Plaintiff also relies on the doctrine of *res ipsa loquitur*.

6. By reason of the aforesaid, the Plaintiff has suffered personal injury, loss and damage.

**Particulars of Injury**

7. The Plaintiff's date of birth is 9 December 1998 and at the date of the accident she was 24 years old.
8. She was transferred to George Town Hospital by ambulance complaining of tenderness to her right ankle and pain to the back of her head.
9. She attended her General Practitioner following the accident complaining of neck and shoulder pain.
10. She was prescribed medication.
11. She was referred for physiotherapy and underwent a course of physiotherapy.

This Writ and Statement of Claim is issued by KSG Attorneys at Law for the Plaintiff whose address for service is 3<sup>rd</sup> Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107. Freckleton v Brown.

**Particulars of Special Damage**

12. The Plaintiff has suffered loss and incurred expenses as a result of the accident.
13. 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**

14. The Plaintiff will claim interest pursuant to section 34 of the Judicature Act (2021 Revision) at half the rate prescribed under the Judgment Debts (Rates of Interest) Rules (as amended) from 14<sup>th</sup> April 2023 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 this Honourable Court deems just.



---

**KSG Attorneys-at-Law**  
**Attorneys for the Plaintiff**

This Writ and Statement of Claim is issued by KSG Attorneys at Law for the Plaintiff whose address for service is 3<sup>rd</sup> Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107. Freckleton v Brown.

**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**

This Writ and Statement of Claim is issued by KSG Attorneys at Law for the Plaintiff whose address for service is 3<sup>rd</sup> Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107. Freckleton v Brown.

**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.

This Writ and Statement of Claim is issued by KSG Attorneys at Law for the Plaintiff whose address for service is 3<sup>rd</sup> Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107. Freckleton v Brown.



**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  
3<sup>rd</sup> Floor One Capital Place  
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.

[Empty box for defendant's attorney indorsement]

This Writ and Statement of Claim is issued by KSG Attorneys at Law for the Plaintiff whose address for service is 3<sup>rd</sup> Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107. Freckleton v Brown.