

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 was issued by **HARVEL GRANT** of P.O. Box 23 Bodden Town, KY1-1601 Grand Cayman, Cayman Islands, Attorney-at-law for the Plaintiff whose address for service is that of his said Attorney-at-law.

STATEMENT OF CLAIM

1. At all material times, the Plaintiff, Amos Passard of 60 Kennedy Drive, George Town, Grand Cayman Islands was walking along the Linford Pierson Highway pushing his pedal cycle.
2. The Defendant Althea Faith Williams-Alison of 165 Keturah Street, George Town, Grand Cayman, Cayman Islands was at all material times the operator of a 2008 blue Toyota Wish with motor vehicle registration No. 171932 being owned and or insured in the name of Conrad Constantine Allison.
3. On or about 12 November 2021 at approximately 6:00 p.m. the Plaintiff was lawfully travelling along the Esterley Tibbetts Highway towards the junction of the Butterfield Roundabout when the Defendant collided with the Plaintiff who was walking across the road pushing his pedal cycle. The Defendant was travelling westbound along the Esterley Tibbetts Highway and failed to stop and crossed directly into the Plaintiff's path causing an unavoidable collision.
4. As a result of the collision, the Plaintiff suffered injuries and was taken to the George Town Hospital by ambulance for treatment.
5. The said collision was caused by the Defendant's negligence and/or breach of statutory duty under Sections 67 and 68 of the Traffic Act (2023 Revision).

PARTICULARS OF NEGLIGENCE

6. The Defendant was negligent and is guilty of the breach of her statutory duties by:
 - 6.1. Failing to give the right of way to all approaching vehicles;
 - 6.2. Failing to drive at a speed and in a manner and at a distance from other vehicles as to be able to stop in an emergency without being involved in a collision;
 - 6.3. Failing to exercise due care and attention when using the road and failing to have due regard to the safety of other road users;
 - 6.4. Failing to see the Plaintiff in time or at all;
 - 6.5. Failing to apply her brakes whether in time or at all;

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- 6.6. Failing to manage the vehicle so as to be able to stop within the limit of vision available at any given time;
 - 6.7. Failing to drive in a way so as to avoid the possibility of collision with any other road user, irrespective of the relative size or condition of the intersection or adjoining roads;
 - 6.8. Failing to stop, to slow down, to swerve, or do anything to manage or control her vehicle so as to avoid the collision;
 - 6.9. Driving at a speed that was too fast in all of the circumstances;
 - 6.10. Failing to comply with all traffic signs and signals;
 - 6.11. Acting recklessly with disregard for the safety of others;
 - 6.12. Failing to keep any proper look out in front of her;
 - 6.13. Failing to maintain lane discipline;
 - 6.14. Failing to exercise reasonable skill and care to be expected of a reasonably skillful and careful driver in the circumstances; and
 - 6.15. Failing to comply with the road code.
7. Further or alternatively, the Plaintiff will rely on the doctrine of res ipsa loquitor in that the Defendant collided with the right side of the Plaintiff's pedal cycle.
 8. By reason of these matters the Plaintiff sustained serious injuries and has suffered loss and damage.

PARTICULARS OF INJURIES TO THE PLAINTIFF

9. The Plaintiff, whose date of birth is 17 October 1941 was 79 years old at the date of the collision.
10. The collision was high impact and as a result of the force of the impact, the Plaintiff's pedal cycle was damaged to the extent that the cycle is no longer roadworthy.
11. Immediately following the collision, the Plaintiff was taken by ambulance to the George Town Hospital for treatment of his injuries.
12. The Plaintiff suffered multiple injuries as a result of the collision and continues to suffer as a result of the injuries sustained. The injuries include, but are not limited to, the following:

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- 12.1. Scalp laceration head injury;
 - 12.2. Ankle injury;
 - 12.3. Hip fracture;
 - 12.4. Pain to chest and right shoulder;
 - 12.5. Chronic pain to head and neck;
 - 12.6. Lower back pain and muscle spasms;
 - 12.7. Loss of cervical lordosis;
 - 12.8. Loss of self-ambulation;
 - 12.9. Anxiety;
 - 12.10. Flashbacks; and
 - 12.11. Post Traumatic Stress Syndrome.
13. The Plaintiff continues to suffer from several of the above injuries and is impacted by them on a daily basis. Full particulars of the Plaintiff's injuries and the impact of them upon him will be provided prior to trial.

PARTICULARS OF SPECIAL DAMAGES

14. 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 loss, including but not limited to claims for the loss of his pedal cycle, medical treatment, gratuitous care, interest and costs. Full particulars of the Plaintiff's special damages and losses, which are continuing, will be provided prior to trial.
15. The Plaintiff claims pre and post judgment interest on special damages from the date of loss pursuant to section 34 of the Judicature Act (2021 Revision) and in accordance with the Judgment Debts (Rates of Interest) Rules (as amended).
16. The Plaintiff claims pre and post judgment interest on general damages from the notice of the claim pursuant to section 34 of the Judicature Act (2021 Revision) and in accordance with the Judgment Debts (Rates of Interest) Rules (as amended).

AND THE PLAINTIFF CLAIMS:

THIS WRIT was issued by **HARVEL GRANT** of P.O. Box 23 Bodden Town, KY1-1601 Grand Cayman, Cayman Islands, Attorney-at-law for the Plaintiff whose address for service is that of his said Attorney-at-law.

1. General damages;
2. Special damages;
3. Pre-judgment and post-judgment interest on special damages from the date of loss pursuant to the Judicature Act (2021 Revision) and the Judgment Debts (Rates of Interest) Rules (as amended); or
4. At such rate this Honourable Court deems fit;
5. Pre-judgment and post-judgment interest on general damages from the date of notice of the claim pursuant to the Judicature Act (2021 Revision) and the Judgment Debts (Rates of Interest) Rules (as amended); or
6. At such rate this Honourable Court deems fit; and
7. Costs.



HARVEL GRANT
ATTORNEY-AT-LAW FOR THE PLAINTIFF

THIS WRIT was issued by **HARVEL GRANT** of P.O. Box 23 Bodden Town, KY1-1601 Grand Cayman, Cayman Islands, Attorney-at-law for the Plaintiff whose address for service is that of his said Attorney-at-law.

INDORSEMENT AS TO INSURER OF MOTOR VEHICLE

The Plaintiff's claim arises out of the use of a motor vehicle on a public road. The insurer of the vehicle of the Defendant named herein is Insurance Company of the West Indies, 150 Smith Road, P.O. Box 461, Grand Cayman, KY1-1106, Cayman Islands.

INDORSEMENT AS TO INTEREST

Pre-judgment and post-judgment interest on special damages from the date of loss pursuant to the Judicature Act (2021 Revision) and the Judgment Debts (Rates of Interest) Rules (as amended) to be assessed.

Pre-judgment and post-judgment interest on general damages from the date of notice of the claim pursuant to the Judicature Act (2021 Revision) and the Judgment Debts (Rates of Interest) Rules (as amended) to be assessed.

THIS WRIT was issued by **HARVEL GRANT** of P.O. Box 23 Bodden Town, KY1-1601 Grand Cayman, Cayman Islands, Attorney-at-law for the Plaintiff whose address for service is that of his said Attorney-at-law.

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

THIS WRIT was issued by **HARVEL GRANT** of P.O. Box 23 Bodden Town, KY1-1601 Grand Cayman, Cayman Islands, Attorney-at-law for the Plaintiff whose address for service is that of his said Attorney-at-law.

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.

THIS WRIT was issued by **HARVEL GRANT** of P.O. Box 23 Bodden Town, KY1-1601 Grand Cayman, Cayman Islands, Attorney-at-law for the Plaintiff whose address for service is that of his said Attorney-at-law.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: OF 2024

BETWEEN AMOS PASSARD PLAINTIFF
AND ALTHEA FAITH WILLIAMS-ALLISON DEFENDANT

ACKNOWLEDGMENT OF SERVICE OF
WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you, give that Attorney 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 the Defendant may have to pay the costs 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 the Defendant 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).....

THIS WRIT was issued by HARVEL GRANT of P.O. Box 23 Bodden Town, KY1-1601 Grand Cayman, Cayman Islands, Attorney-at-law for the Plaintiff whose address for service is that of his said Attorney-at-law.

Attorney for

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, the Defendant must give the Defendant's post office box number and the physical address of the Defendant's residence or, if the Defendant does not reside in the Cayman Islands, the Defendant must give an address in Grand Cayman where communications for the Defendant 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 that Plaintiff's name, address and reference, if any, in the box below.

HARVEL GRANT
3176 SHAMROCK ROAD
P.O. BOX 23 BODDEN TOWN
KY1-1601 GRAND CAYMAN

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]

THIS WRIT was issued by **HARVEL GRANT** of P.O. Box 23 Bodden Town, KY1-1601 Grand Cayman, Cayman Islands, Attorney-at-law for the Plaintiff whose address for service is that of his said Attorney-at-law.