

Writ of Summons (O.6, r.1)



IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. 510 OF 2009

BETWEEN

MONALISA MORGANBERRY-KUDRITZKI

PLAINTIFF

AND:

NICOLA HERSANT
MARIENETTE TY

DEFENDANTS



SPECIALLY ENDORSED WRIT OF SUMMONS

TO THE DEFENDANT: NICOLA HERSANT, Grand Cayman, Cayman Islands AND
MARIENETTE TY, 25 Boilers Road 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 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 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 12 day of October 2009.

NOTE - This Writ may not be served later than 4 calendar 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. On 7 April 2008, the defendant's servant or agent Marienette Ty whose date of birth is 19 September 1970 of 25 Boilers Road, so negligently drove the Defendant's motor vehicle, a Hyundai Trajet, registration number 105728, at or near Boiler Road at the intersection with Walker's Road that it collided with the left side of the Plaintiff's motor vehicle Honda CRX registration number Q2 988. The damage to the Plaintiff's motor vehicle was such that the Plaintiff had to be cut from the vehicle.

PARTICULARS OF NEGLIGENCE

- (a) Driving too fast in the circumstances.
 - (b) Failing to keep any or any proper look-out or to have any or sufficient regard for the traffic on Walkers Road as she was using her mobile telephone.
 - (c) Failing to keep any or any proper look-out or to have any or sufficient regard for other traffic, particularly traffic that was travelling along Walkers Road.
 - (d) Failing to stop or to wait in the side road until the Plaintiff had safely passed the exit to Walkers Road.
 - (e) Failing to see the Plaintiff in sufficient time to avoid colliding with her vehicle or at all.
 - (f) Running into the left side of the Plaintiff's motor vehicle.
 - (g) Failing to stop, to slow down, to swerve, or in any other way so to manage or control the motor vehicle so as to avoid the collision with the Plaintiff's motor vehicle.
2. By reason of the matters aforesaid, the Plaintiff sustained personal injuries and has suffered loss and damage.

PARTICULARS OF INJURIES

The Defendant's date of birth is 12 November 1961. Following the accident on 7 April 2008, the Plaintiff did not lose consciousness but suffered injuries, which injuries caused an aggravation of pre-existing injuries – soft tissue of chest and neck - are recorded in a medical report dated 17 June 2008 by Dr. Ambekar and which will be relied on for the purposes of these proceedings.

PARTICULARS OF SPECIAL DAMAGE

Date	Description	Costs (CIS)
	Police Report	CIS\$10.00.
17 June 2008	Medical report of Dr. Ambekar	CIS\$750.00
10 June to 14 April 2008	medical expenses	CIS\$2,285.00
	Car rental	CIS\$695.00

LOSS INCOME DUE TO CANCELLATION OF PRE-ARRANGED APPOINTMENTS

DATE	INCOME	CLIENT	
8-Apr-08	\$100.00	PATSY MONTREL	
	\$75.00	LISA	
	\$15.00	DAN HANEST	
9-Apr-08	\$35.00	EULALEE	
	\$2,000.00	HEATHER	
10-Apr-09	\$88.00	MAY	
	\$88.00	DERLEVEA	
	\$48.00	MICHELLE	
	\$60.00	SHARON	
11-Apr-09	\$20.00	MOM	
	\$120.00	MARCY	
	\$45.00	GAIL	
	\$65.00	TREVONNE	
12-Apr-09	\$80.00	PAT	
	\$60	MARCY	
	\$480.00	NADINE	
	\$20.00	MARY	
	\$60.00	INGRID	
	\$40.00	DARLENE	
	\$75.00	SUSAN	
15-Apr-09	\$48.00	SHELIA	
	\$38.00	MONIQUE	
	\$15.00	JAMES	
	\$45.00	ANN	
16-Apr-09	\$93.00	MICHELLE	
	\$118.00	JESSICA	
	\$45.00	MADELINE	
17-Apr-09	\$1,000.00	NANETTE	
	\$45.00	MARIA	
	\$875.00	LISA SOSO	
18-Apr-09	\$80.00	PAT	
	\$165.00	VANNESSA	
19-Apr-09	\$93.00	ANNEISE	
	\$75.00	LIS ANDERSON	
	\$88.00	DARLENE	
22-Apr-09	\$15.00	DAN	
	\$105.00	MARY	
	\$145.00	MARY	
23-Apr-09	\$875.00	MARY	
	\$75.00	CHRISTINE	
25-Apr-09	\$1,000.00	GAYE	
26-Apr-09	\$88.00	GAIL	
	\$48.00	MICHELLE	
	\$48.00	MOM	
	\$88.00	INGRID	
	\$88.00	MARY	

29-Apr-09	\$125.00	MARCY	
	\$48.00	SHILA	
	\$60.00	CHIN	
2-May-09	\$88.00	MS PATSY	
	\$93.00	TREVONNE	
	\$875.00	DEDREA	
3-May-09	\$75.00	GAYE	
	\$75.00	SUSAN	
	\$85.00	BAN&JODY	
	\$88.00	SHARON	
6-May-09	\$2,065.00	NADINE	
7-May-09	\$88.00	NANETTE	
	\$93.00	JESSICA	
8-May-09	\$875.00	VANNESSA	
	\$65.00	SOPHIA	
9-May-09	\$2,000.00	SOPHIA	
10-May-09	\$88.00	MARY	
	\$75.00	?	
	\$88.00	MOM	
	\$45.00	GAY	
	\$75.00	SUSAN	
	\$88.00	DERLENE	
13-May-09	\$65.00	INGRID	
14-May-09	\$2,300.00	INGRID	
20-May-09	\$65.00	ISABELLA	BACK TO WORK
Total Loss Wages	\$18,659.00		

CIS18,659.00

AND the Plaintiff claims:

- (i) Damages
- (ii) Further, pursuant to The Judicature Law (1995 Revision), the Defendant is entitled to and claims interest on such sums as are found to be due at such rate and for such period as the Court shall think fit.
- (iii) Costs

Clyde H. Allen, Chambers

THIS WRIT was issued by Clyde Allen whose address for service is Clyde H. Allen, Chambers, Attorneys-At-Law PO Box 31076 SMB, No. 9, Jack & Jill Building, Fort Street, Grand Cayman, Cayman Islands.

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CAUSE NO. OF 2009

BETWEEN
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MONALISA MORGANBERRY-KUDRITZKI

PLAINTIFF

AND:

NICOLA HERSANT
MARIENETTE TY

DEFENDANT

ACKNOWLEDGMENT 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 a 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

Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

Address for service: (please see overleaf)

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 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.

Clyde Allen
Clyde H. Allen, Chambers
Attorney-At-Law
PO Box 31076 GT
Jack & Jill Building
Fort Street
Grand Cayman
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]