

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

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 2009 *60632*

BETWEEN:

KATHLEEN WATSON

The Mother and Administratrix of the estate of Abishai Zilin Watson deceased  
PLAINTIFF

and

DOORLY MCLAUGHLIN

The Father and Administrator of the estate of Cody Jonassi McLaughlin deceased

1<sup>st</sup> DEFENDANT



SPECIALLY ENDORSED WRIT OF SUMMONS

TO: THE DEFENDANTS: DOORLY MCLAUGHLIN, P.O. Box 566, Grand Cayman, KYI-1107, 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 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 *12* day of December 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) The Claimant is the mother and Administratrix of the estate of Abishai Zilin Watson ("the Deceased").
- (2) At approximately 11 p.m. on 20 December 2006 Abishai Zilin Watson was a passenger in a motor vehicle Honda Civic registration number 114466 being driven by Cody Jonassi McLaughlin and which motor vehicle was insured by Doorly McLaughlin. The motor vehicle was being driven south along West Bay Road at a speed of over 70 miles per hour and was dangerously and negligently overtaking other motor vehicles.
- (3) At a point near to and just before the Public Beach the motor vehicle lost control, overturned and collided with a concrete pillar at the entrance of Public Beach.

### **LIABILITY FOR THE ACCIDENT**

- (4) The said accident was caused by the negligence of the Cody Jonassi McLaughlin.

### **PARTICULARS OF NEGLIGENCE**

- a) Drove too fast;
  - b) Failed to slow down or brake;
  - c) Drove so fast that he lost control of the motor vehicle.
  - c) Collided with the concrete pole.
- (5) As a result of the accident and injuries sustained by Abishai Zilin Watson, he died at the scene.

### **PARTICULARS OF INJURY**

Abishai Zilin Watson (dob 21 May 1987) suffered multiple injuries. He died immediately. The Claimant relies on the report of Bruce Hyman MD dated 27 December 2006.

### **LOSSES ARISING OUT OF THE NEGLIGENCE OF CODY JONASSI MCLAUGHLIN DRIVING**

- (6) By reason of above matters, the deceased was killed and his mother and sister, the Claimants have suffered bereavement and the dependants and the estate of the deceased have suffered loss and damage.
- (7) a) The Deceased's dependants are:  
Kathleen Naomi Watson (mother) dob 17 February 1968; Leah Watson (sister) d.o.b 8 August 1988.

- b) The Deceased was 19 years of age at the date of his death.
  - c) The Claimant is 41 years of age and his sister is Leah Watson. His mother made significant sacrifices for the Deceased's education. The deceased was a healthy young man in employment with LRP Distributors Ltd. earning CI\$1,200.00 and was in attendance at the University College of the Cayman Islands where he was studying a Management Course.
  - d) The Deceased contributed to the mortgage payments and was to take over the mortgage of the property owned by the mother as she was ill. In the meantime, the Deceased assisted in maintenance of his sister by way of payment of her school fees.
- (8) Further, the Claimant claims damages for bereavement.
- (9) Further, on behalf of the estate of the deceased, the Plaintiff claims funeral expenses:
- |   |                |
|---|----------------|
| (1) Funeral expenses – Churchill's Funeral home package | CI\$10,126.25. |
| (2) Vault   | CI\$1,200      |
| (3) Paramount Carpets                                   | \$1,700.00     |
- (10) The Deceased had a loan dated CI\$6,000.00 with Cayman National Bank which loan was settled by his mother.

AND the Claimant claims:

- (1) Damages for herself and her daughter as the dependants of the deceased.
- (2) Damages for bereavement on behalf of the estate of the deceased.
- (3) Payment of CI\$6,000.00 for repayment of loan payment.
- (4) 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.
- (5) Costs



**Clyde H. Allen, Chambers**

THIS WRIT was issued by Clyde H. Allen, Chambers on behalf of the Plaintiff whose address for service is P.O. Box 31076 SMB, 2nd Floor, Suite 9, Jack & Jill Building, 19 Fort Street, KYI-1205, George Town, Grand Cayman, Cayman Islands.

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

CAUSE NO: 2009.

BETWEEN:

KATHLEEN WATSON

The Mother and Administratrix of the estate of Abishai Zilin Watson deceased

PLAINTIFF

and

DOORLY MCLAUGHLIN

The Father and Administrator of the estate of Cody Jonassi McLaughlin deceased

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,  
Attorneys-At-Law  
PO Box 31076SMB  
Jack & Jill Bldg, KY1-1205  
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]