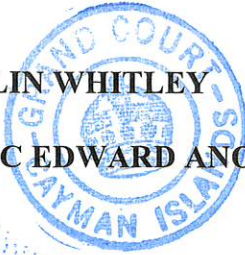


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ^{G0220} OF 2010



BETWEEN:

ZELLIN WHITLEY

PLAINTIFF

AND:

MARC EDWARD ANOP

DEFENDANT

WRIT OF SUMMONS

**TO: MARC EDWARD ANOP
 GEORGE TOWN
 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, PO Box 495, Grand Cayman KY1-1106, Cayman Islands, the accompanying Acknowledgement of Service stating whether you intend to contest these proceedings.

If you fail to satisfy the claim or return the acknowledgement within the time stated, or if you return the Acknowledgement 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 day of June 2010.

NOTE – This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of 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 was a Jamaican national and a resident of the Cayman Islands.
2. At all material times, the Plaintiff was a pedestrian.
3. At all material times, the Defendant was the driver of a red Mitsubishi Pajero, the motor vehicle registration number being unknown to the Plaintiff at this time (“the vehicle”).
4. On 7th January 2010 at approximately 7.15 p.m., the Plaintiff was walking on the footpath on the left hand side of West Bay Road from the George Town direction heading towards West Bay and was approximately 10 metres from the Four Winds four-way stop intersection (“the accident location”).
5. The Defendant was driving the vehicle on West Bay Road from the George Town direction towards West Bay, when suddenly and without warning veered off the road to his left and collided with the Plaintiff on the footpath (“the collision”).
6. At the time of the collision, it was dusk, the weather was clear, the road dry and visibility was good.
7. After the collision the Defendant fled the accident location in the vehicle without tending to the injured Plaintiff, summoning either the Royal Cayman Islands Police Service or ambulance service, or waiting for them to arrive.
8. The collision was caused as a result of negligence and/or breach of statutory duty of the Defendant.

PARTICULARS OF NEGLIGENCE

- (a) The Defendant drove without due care and attention with regard to all the circumstances;
- (b) The Defendant failed to retain control of his motor vehicle at all times;

- (c) The Defendant drove too fast in all the circumstances;
 - (d) The Defendant failed to apply his brakes in time or at all;
 - (e) The Defendant failed to keep any or any proper lookout;
 - (f) The Defendant failed to adequately or at all heed or act upon the presence or position of the Plaintiff;
 - (g) The Defendant failed to stop, slow down, swerve or otherwise manage to control his vehicle as to avoid the collision;
 - (h) The Defendant failed to exercise the degree of skill and care to be expected of the average competent motorist in the circumstances;
 - (i) The Defendant failed to take adequate care for the safety of the Plaintiff;
 - (j) The Defendant failed to give way to the Plaintiff as a correctly proceeding pedestrian; and
 - (k) The Defendant exposed the Plaintiff to the foreseeable risk of injury.
 - (l) Statutory breaches of the Traffic Law (2003 Revision) in particular Part VI thereof.
9. By reason of the Defendant's aforesaid negligence and breach of common law and statutory duty, the Plaintiff suffered personal injury, loss, damage and expense.

PARTICULARS OF INJURIES

The Plaintiff, who was born on 1st September 1965, was aged 44 at the time of the accident. The Plaintiff was a domestic helper at the time of the accident.

The Plaintiff suffered traumatic head injuries, including orbital fracture and intra-cranial bleeding. She also suffered back pain and injury to an eye for which she needed surgery to repair.

The Plaintiff reserves the right to obtain and serve updated medical evidence.

PARTICULARS OF LOSSES AND EXPENSES

10. The Plaintiff's claim includes, but is not limited to the following losses:

- | | | | |
|-----|---|---|---------------|
| (a) | Police report | - | CI\$75.00 |
| (b) | past medical expenses, not limited to, but including: | | |
| | i) ambulance fee | - | tba |
| | ii) medical costs | - | CI\$3,230.00 |
| | this is not the full extent of the loss, as
further invoices are awaited | | |
| | iii) air ambulance | - | CI\$14,000.00 |
| (c) | Loss of earnings | - | tba |
| | (from the date of the accident onwards) | - | tba |
| (d) | gratuitous care | - | tba |
| (e) | future medical expenses | - | tba |
| (f) | future loss of earnings | - | tba |
| (g) | future care | - | tba |
| (i) | losses on the open labour market | - | tba |

Full particulars of which will be provided prior to trial.

11. The Plaintiff claims interest at the prevailing statutory rate.

WHEREFORE THE PLAINTIFF claims:

- (a) Damages;
- (b) Past and future losses and expenses;
- (c) Pre-Judgment interest in accordance with section 34 of the Judicature Law (1995 Revision)
- (d) Post-Judgment interest in accordance with section 34 of the Judicature Law (1995 Revision)
- (e) Further and/or other relief; and
- (f) Costs

Dated this 11th day of June 2010.



CAMPBELLS
Attorneys at Law for the Plaintiff

ENDORSEMENT 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 Defendant named herein is **Sagicor General Insurance (Cayman) Limited**, PO Box 2171, Harbour Place, 3rd Floor, 103 South Church Street, George Town, Grand Cayman KY1-1105, Cayman Islands.

THIS STATEMENT OF CLAIM was filed by Campbells, Attorneys-at-Law for the Plaintiff whose address for service is 4th floor, Scotia Centre, George Town, Grand Cayman Tel 949 2648 Fax: 949 8613 (Ref: STM/CGM/17191)

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 495, 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 installments or otherwise.

See over for notes for guidance

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 his 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.

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.

Campbells .
Attorneys-at-Law
P.O. Box 884
Fourth Floor
Scotia Centre
George Town,
Grand Cayman KY1-1103
Cayman Islands
Ref: STM/17191

Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.