

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

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

CAUSE NO. <sup>231</sup> OF 2012

BETWEEN

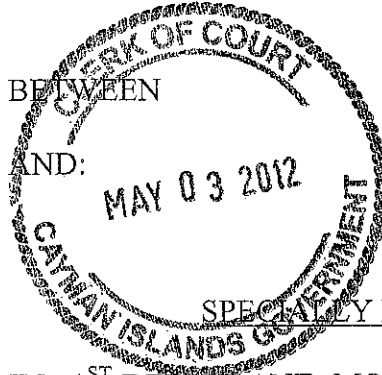
THERESA THOMAS

AND:

MONICA THOMAS

TONY SHIRK

PLAINTIFF  
1<sup>ST</sup> DEFENDANT  
2<sup>ND</sup> DEFENDANT



SPECIALY ENDORSED WRIT OF SUMMONS

TO: 1<sup>ST</sup> DEFENDANT: MONICA THOMAS, 47 Brushwood Way, BT Grand Cayman, Cayman Islands

2<sup>ND</sup> DEFENDANT: TONY SHIRK, 3651 48<sup>th</sup> Avenue South East, Norman Oklahoma, United States 73026-0000

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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this day of May 2012

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 Sunday 5 September 2010, the Plaintiff was a passenger in a Grey 1995 Honda Saber motor car, registration number Q3045 owned and driven by the first defendant when by reason of the negligence of the first defendant in the driving of her motor-car, or alternatively by reason of the negligence of the second defendant in the driving of his Silver 2007 Jeep Wrangler registration number 108641 at the junction of Frank Sound Road, Seaview Road and Bodden Town Road (the "Roads"), or alternatively by reason of the negligence of both defendants, a collision occurred between the two motor cars at the junction of these roads.

### PARTICULARS OF NEGLIGENCE OF THE FIRST DEFENDANT

- a) Driving at a speed which was too fast in the circumstances.
- b) Failing to keep any or any proper look-out or to have any or any sufficient regard for traffic at the junction of these roads.
- c) Failing to see the Jeep Wrangler motor-car turning or attempting to turn from Seaview Road into Frank Sound Road in sufficient time to avoid the collision or at all.
- d) Failing to give the Jeep Wrangler motor-car any or any sufficient time to turn safely into Frank Sound Road.
- e) Colliding with the said Jeep Wrangler motor-car at the junction.
- f) Failing to stop, to slow down, to swerve, or in any way so to manage or control the motor-car as to avoid the collision.

### PARTICULARS OF NEGLIGENCE OF THE SECOND DEFENDANT

- a) Driving at a speed which was too fast in the circumstances.
- b) Failing to keep any or any proper look-out or to have any or any sufficient regard for traffic at the junction of these roads.
- c) Turning at the junction of the roads into Frank Sound Road without first ascertaining or ensuring whether it was safe so to do, and when it was unsafe and dangerous so to do.
- d) Failing to give the Honda motor-car any or any sufficient time to go past the junction of Frank Sound Road in safety.
- e) Driving into and across the path of the Honda motor-car.
- f) Failing to see the Honda motor-car in sufficient time to avoid the collision or at all.
- g) Failing to give any or any adequate warning of his intention to turn right into Frank Sound Road from Seaview Road.

- h) Failing to give any or any sufficient or timely warning of his intention to turn from Seaview Road into Frank Sound Road.
  - i) Colliding with the Honda motor-car at the junction of these roads.
  - j) Failing to stop, slow down, to swerve or in any other way so as to manage or control his motor-car as to avoid the collision.
2. By reason of these matters, the Plaintiff sustained injuries and she has suffered loss and damage.

#### PARTICULARS OF INJURIES


3. The Plaintiff's date of birth is 22 August 1959. As a result of the accident on 5 September 2010, the Plaintiff sustained minor injuries. According to the medical report of Dr. Orrett Thane it was noted that the Plaintiff had abrasions to the right side of her neck and tender areas over the sternum and right breast. She was treated for soft tissue trauma. A subsequent visit revealed abrasions to her feet and she was given antibiotics for the ulcers. As a result of the incident, the Plaintiff is afraid to drive or travel on the road and she has had to receive counseling.
4. Additional details of the Plaintiff's injuries are contained in the medical report prepared by Dr. Orrett Thane dated 5 November 2010.

#### PARTICULARS OF SPECIAL DAMAGE

<b>Date</b>	<b>Description</b>	<b>Amount</b>
	Medical Treatment	
	-Exam, medication & reports	\$1108.70
	Private Doctor visit	\$ 75.00
09/10-03/11	Travel Expenses	
	-Gas@\$50/mth for 7mths	\$ 350.00
	Traffic Accident Report	\$ 75.00
5/09/10- 4/10/10	Loss of earnings @ \$85.44 per day	
	For 20 days	\$1708.80
	<b>Total Expenses</b>	<b>\$3317.50</b>

AND the Plaintiff claims against both defendants or one or other of them:

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



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**CLYDE H. ALLEN, CHAMBERS**

THIS WRIT was issued by **CHAMBERS** whose address for service is P.O. Box 31076, 2<sup>nd</sup> Floor, Suite #9, 19 Fort Street, KYI-1205, Grand Cayman, Cayman Islands, BWI.

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

CAUSE NO.      OF 2012

BETWEEN                      THERISA THOMAS                      PLAINTIFF  
AND:                              MONICA THOMAS                      1<sup>ST</sup> DEFENDANT  
   TONY SHIRK                              2<sup>ND</sup> 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.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

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2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)

yes       no

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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

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Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

Address for service: (please see overleaf)

*Please complete overleaf*

**Notes on address for service**

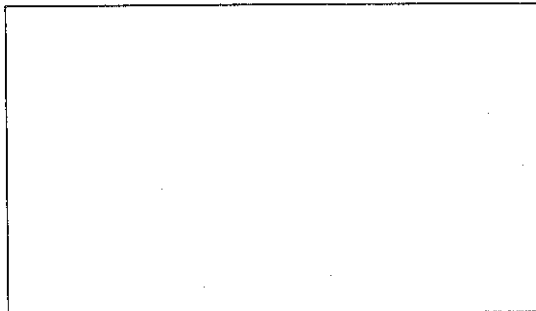
Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

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.

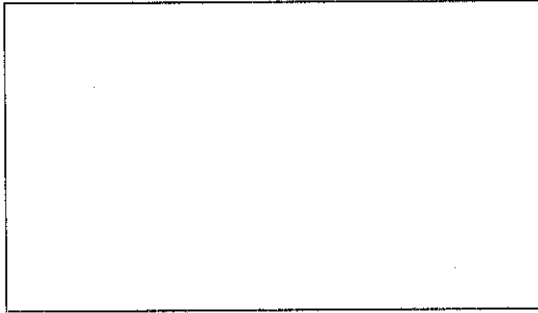
*Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.*

Clyde Allen  
**CHAMBERS**  
Attorneys-At-Law  
PO Box 31076SMB  
Jack & Jill Bldg, KY1-1205  
Grand Cayman  
Cayman Islands

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



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

A large, empty rectangular box with a thin black border, intended for the indorsement of the second defendant's attorney or the second defendant themselves. The box is currently blank.