

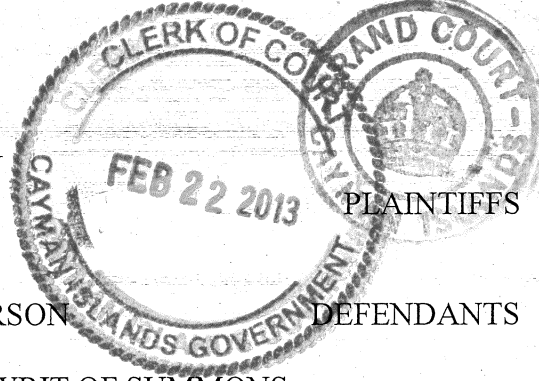
Writ of Summons (O.6, r.1)

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

BETWEEN

1. TEFAYNE BROWN
2. JAMAR JULIUS
3. MALEEKA BROWN

CAUSE NO. ⁴⁰ OF 2013



PLAINTIFFS

AND:

1. EDWARD MANDERSON DEFENDANTS

SPECIALLY ENDORSED WRIT OF SUMMONS

TO: THE DEFENDANT: c/o Waide DaCosta, Attorney-At-Law, 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 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 7 day of February 2013

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 14 November 2010, at or about 10.00 a.m., the Plaintiff was driving her Toyota Camry Gracia motor vehicle, registration number 132 697 along Frank Sound Road. The Plaintiff had two passengers, her children, seated in the rear of her motor vehicle namely Jamar Julius and Maleeka Brown who are now 11 years old and whose date of birth is 23 November 2001 and she is two years old and whose date of birth is 23 October 2008.
2. The Plaintiff signaled to turn left off Frank Sound and slowed down to complete the manoeuvre when the Defendant who was driving a truck and had with him three passengers, two boys and a girl, failed to stop and collided with the rear of the Plaintiff's motor vehicle.
3. There were various witnesses to the accident as it occurred outside of Frank Sound Church of God. It was learnt that the Defendant had just come from Dunkin Doughnuts and one of the three children had dropped a doughnuts on the floor of his motor vehicle. The Defendant was bending down to pick it up and thus was not paying attention to the traffic in front of him. He began to stray into the lane for oncoming traffic and on swerving back to the left did not notice the Plaintiff had signaled to turn left and was slowing down and drove into the back of her motor vehicle. Other parishioners saw the accident. The Defendant spoke to the Plaintiff and inquired about the condition of the Plaintiff and her passengers. The Defendant then tried to leave the scene of the accident and was told by the parishioners that he could not leave the scene until the police had arrived.
4. The Plaintiff and her passengers suffered whiplash type injuries. The Plaintiff also suffered an injury to her spine at L5. The Plaintiff and her family attended George Town hospital for treatment.
5. The Defendant so negligently drove his motor vehicle along Frank Sound Road that it collided with the rear of the Plaintiff's motor vehicle.

Particulars of Negligence

- a. The Defendant was driving too fast
 - b. Failing to keep any or any proper lookout or to have any or any sufficient regard for other road users and here in particular the Plaintiff's motor vehicle.
 - c. 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 colliding with the Plaintiff.
6. The Defendant was convicted in the Summary Court sitting at George Town, Grand Cayman on 19 October 2011 in case number 833/2011, on his own plea of guilty of careless driving, using a vehicle with an expired licence, using a vehicle without a certificate of roadworthiness and driving without insurance which

conviction is relevant to the issue of negligence and the Plaintiff intends to rely on it as evidence in this action.

7. Further it is averred that the facts of the accident speak for themselves as being an occurrence which cannot normally happen without negligence.
8. By reason of the matters aforesaid, the Plaintiff sustained personal injuries and has suffered loss and damage.

Particulars of Injuries

- a. As a result of the accident, the Plaintiff has suffered various injuries including back pain at L5 as recorded in the medical report of Dr. Ajit Ambekar dated 23 January 2012. Additional details of the Plaintiff's injuries are contained in the medical report of Dr. Ambekar
9. Apart from a claim for damages for PSLA, and subject to setting off C\$2,000.00 which has already been paid by the Mr. Manderson to the Plaintiff, Tefayne Brown has suffered financial loss some of which has been set out here.

Particulars of Special Damage

1)	Medical report of Dr. Ambekar					
2)	<u>Date</u>	<u>Location</u>	<u>Amount</u>	<u>Insurance</u>	<u>Unpaid</u>	<u>Paid</u>
3)	6-24-2011	C.I. Health Service Authority	98.79	79.18	19.79	0.00
4)	6-16-2011	C.I. Health Service Authority	22.00	17.60	0.00	4.40
5)	6-01-2011	C.I. Health Service Authority	865.78	692.62	173.16	0.00
6)	5-26-2011	C.I. Health Service Authority	74.01	59.21	14.80	0.00
7)	5-16-2011	C.I. Health Service Authority	26.97	21.58	0.39	5.00
8)	5-16-2011	C.I. Health Service Authority	204.66	65.33	139.33	0.00
9)	4-23-2011	C.I. Health Service Authority	192.02	21.30	160.22	10.50
10)	03-07-2011	C.I. Health Service Authority	902.82	11.82	891.00	0.00
11)	12-21-2010	C.I. Health Service Authority	86.46	86.46	0.00	0.00
12)	12-02-2010	C.I. Health Service Authority	90.00	80.02	0.00	9.98
13)	11-20-2010	C.I. Health Service Authority	50.00	0.00	41.90	8.10
14)	11-17-2010	C.I. Health Service Authority	14.78	0.00	14.78	0.00
15)	11-17-2010	C.I. Health Service Authority	143.19	143.19	0.00	0.00
16)	11-17-2010	C.I. Health Service Authority	143.19	0.00	143.19	0.00
17)	11-17-2010	C.I. Health Service Authority	8.10	8.10	0.00	0.00
18)	11-17-2010	C.I. Health Service Authority	308.97	298.97	10.00	0.00
19)	11-16-2010	C.I. Health Service Authority	154.32	0.00	154.32	0.00
20)	11-16-2010	C.I. Health Service Authority	14.78	11.82	2.96	0.00
21)	11-14-2010	C.I. Health Service Authority	8.01	6.41	1.60	0.00
22)	11-14-2010	C.I. Health Service Authority	770.32	521.65	248.67	0.00
23)	1-23-2012	Dr. Ajit Ambekar	CIS1322.00			CIS1322.00
a. Total Amount			4,179.17	2,125.26	2,016.11	1359.98
b.						
	<u>Date</u>	<u>Location</u>	<u>Amount</u>	<u>Insurance</u>	<u>Unpaid</u>	
		<u>Paid</u>				
24)	03/04/11	Aetna Life & Casualty LTD	18.02	14.42	3.60	0.00
25)	11/24/10	Aetna Life & Casualty LTD	236.41	195.03	41.38	0.00
26)	11/12/10	Aetna Life & Casualty LTD	26.83	21.46	5.37	0.00
27)	11/12/10	Aetna Life & Casualty LTD	16.85	13.48	3.37	0.00
28)	11/10/10	Aetna Life & Casualty LTD	26.83	21.46	5.37	0.00
29)	11/03/10	Aetna Life & Casualty LTD	383.54	383.54	0.00	0.00
30)	11/03/10	Aetna Life & Casualty LTD	412.20	0.00	412.20	0.00

b. *Total*

1,120.68

649.39

471.29

0.00

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 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. OF 2012

1. TEFAYNE BROWN
2. JAMAR JULIUS
3. MALEEKA BROWN

PLAINTIFFS

AND:

EDWARD MANDERSON

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.