

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION



CAUSE NO: 318 OF 2013

BETWEEN:

EDRILYN CARTER-BODDEN

PLAINTIFF

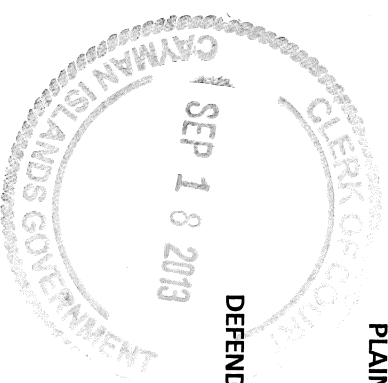
AND:

PATRICK COMRIE

DEFENDANT

WRIT OF SUMMONS

TO:
Patrick Comrie
And
Fidelity Insurance



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 September 2013.

NOTE - This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the 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.

And as a Noticed Party to:
RoyalStar Assurance Ltd.
c/o Fidelity Insurance Company
Dr. Roy's Drive
George Town
Grand Cayman

STATEMENT OF CLAIM

1. On the 18th September 2010 at approximately 8.50 p.m. the Plaintiff was driving a Honda Civic registration 127334 at the junction of Sheddon Road and North Sound Road, George Town, Grand Cayman when suddenly and without warning her vehicle was struck head on by a Honda Saber, registration number 96225 being driven by the Defendant.
2. At all material times the Defendant was insured to drive the Honda Saber motor vehicle registration number 96225 with Fidelity Insurance and Royal Star Assurance who had issued a policy of insurance relating to the vehicle in accordance with the Motor Insurance (Third Party Risks Law).
3. The accident was caused or contributed to by the negligence of the Defendant.

Particulars of negligence

The Defendant was negligent in that he:

- (a) failed to keep any or any proper look out;
 - (b) failed to see the Plaintiff's motor vehicle in time or at all;
 - (c) failed to adequately or at all to heed or act upon the presence, path, position and approach of the Plaintiff's vehicle;
 - (d) failed to accord precedence to the Plaintiff's Claimants vehicle as it passed along a major road;
 - (e) emerged out of a minor road when it was unsafe so to do by reason of the presence, path, position and approach of the Plaintiff's vehicle;
 - (f) failed to stop and wait in the minor road before attempting or commencing to emerge into the major road;
 - (g) failed to heed or act upon the road signs and road markings requiring the Defendant to accord precedence to traffic in the major road;
 - (h) drove into the path of and collided with the Plaintiff's vehicle;
 - (i) failed to stop to slow down to swerve or to otherwise so to manage or to control his said motor vehicle as to avoid the aforesaid collision;
 - (j) failed by means of his horn or lights otherwise how so ever to warn the plaintiff of his approach and/or his intentions;
 - (k) failed to take any adequate care for the safety of the Plaintiff;
 - (l) exposed the Plaintiff to a foreseeable risk of injury.
4. As a result the Plaintiff who is now aged 33 years, having been born on 11th October 1979 suffered pain, injury, loss and damage.

Particulars of general damage

5. The plaintiff was knocked unconscious by the collision and was taken from the scene of the accident by ambulance to George Town Hospital.

6. The plaintiff sustained soft tissue injuries to her neck and back including muscle spasms in her back along with cuts and bruising. She suffers continued discomfort to her cervical and lumbar regions requiring physiotherapy and chiropractic manipulation. The plaintiff further suffered a medial collateral ligament sprain injury to her left knee.
7. The plaintiff suffered dizzy spells including suffering from instability and vertigo as a result of the collision which required her attendance at hospital and monitoring of her condition.
8. The plaintiff has lost earnings and incurred medical expenses to date and full details of same will be forwarded in due course.

Particulars of special damage

10. The plaintiff continues to receive treatment for her injuries and full particulars of future damages are not known at this time and will be provided in due course.
11. The Claimant will claim interest pursuant to section 34 of the Judicature Law (2007 Revision);

AND THE PLAINTIFF claims:

1. General and Special Damages
2. Interest in accordance with the Judicature Law (2007 Revision)
3. Costs



Samson & McGrath
Attorneys for the Plaintiff

**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 495G, 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 instalments or otherwise.

See over for notes for guidance

Please complete overleaf

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 its 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: OF 2013

BETWEEN:

EDRILYN CARTER-BODDEN

PLAINTIFF

AND:

PATRICK COMRIE

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 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 no

Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

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.

Samson & McGrath
Attorneys at Law
5th Floor Genesis Building
Genesis Close
PO Box 446
George Town
Grand Cayman

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