

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

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

CAUSE NO. **G 0338** OF 2013

BETWEEN

ROGER MYERS
BRAYDEN MYERS

1st PLAINTIFF
2nd PLAINTIFF

AND:

KENRICK McFIELD

DEFENDANT

SPECIALLY ENDORSED WRIT OF SUMMONS

TO: DEFENDANT: KENRICK McFIELD, 168 Kimera Way Bodden 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, 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 ³⁰ day of September 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.

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SPECIALLY ENDORSED WRIT OF SUMMONS

TO: DEFENDANT: KENRICK McFIELD, 168 Kimera Way Bodden 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, 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 20th day of September 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. At approximately 11.09 pm on 9th of June 2012, the Plaintiffs were travelling on a grey scooter motor cycle registered 115462 along Crew Road and were heading towards and about to pass the junction at Smith Road and Crew Road. The Defendant was in the middle lane travelling west along Crew Road towards Smith Road and the Plaintiff and was turning right towards the airport in a blue Mitsubishi Lancer motor vehicle registration number 103350.
2. As the Plaintiff passed the junction the Defendant's motor vehicle without stopping drove across and into the path of the motor cycle and thus collided with the Plaintiffs, causing the Plaintiffs to be thrown from the motor cycle. Roger Myers was the driver of the scooter and Brayden Myers was the pillion rider.
3. The collision was caused by the negligence of the Defendant.

Particulars of Negligence

- a) Failing to keep any or any proper look-out or to have any or any sufficient regard for traffic that was or might reasonably be expected to be passing or at the junction of these roads as he was looking at his telephone.
 - b) Due to the fact that the Defendant was looking at his telephone, turning right at the junction without first ascertaining or ensuring that it was safe so to do and when it was unsafe and dangerous so to do.
 - c) Failure to give any or any adequate warning that he intended to turn right without stopping or heeded the approach of the Plaintiffs.
 - d) Failure to see the Plaintiffs in sufficient time or at all to avoid colliding with them.
 - e) Failure to stop, to slow down, to swerve, or in any way so to manage or control the motor car as to avoid the collision.
4. On 2 July 2011 the Defendant was convicted in the Summary Court sitting at George Town, Grand Cayman, on his plea of guilty of careless driving motor vehicle registration number 103350 contrary to section 69 of the Traffic Law (R2003). The said conviction is relevant to the issue of negligence and the Defendant intends to rely on it as evidence in this action.
 5. Further it is averred that the facts of the accident speaks for themselves as being an occurrence which cannot normally happen without negligence.
 6. By reason of these matters, the Plaintiffs sustained injuries and they have suffered loss and damage.

Particulars of Injuries

As a result of the accident, the Plaintiffs have suffered various injuries. The 1st Plaintiff, the driver, suffered multiple injuries including fractures to his legs, primarily his knees, and foot and the 2nd Plaintiff, the pillion rider, suffered

multiple injuries including multiple fractures to his skull resulting in behavioural changes.

Particulars of Special Damage

Date	Description	Amount
1. 2011	Traffic Accident Report	CI\$75.00
2. July 2013 on wards	- Loss of income of the 1 st Plaintiff which will be particularised in due course.	
3.	Loss of income of the 2 nd Plaintiff as of the date of the accident to be particularised in due course.	

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 10, 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 2013

BETWEEN ROGER MYERS 1st PLAINTIFF
 BRAYDEN MYERS 2nd PLAINTIFF

AND: KENRICK McFIELD 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.

