



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



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

CAUSE NO. *26* OF 2014

BETWEEN                      ANNETTE DIANE EDEN ANDRADE                      PLAINTIFF  
AND:                              PATRICE LEANNE FREDERICK                              DEFENDANT

SPECIALLY ENDORSED WRIT OF SUMMONS

TO: DEFENDANT: PATRICE LEANNE FREDERICK, 414 Water Course Road, West Bay, Grand Cayman, Cayman Islands, BWI

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 *19<sup>th</sup>* day of February 2014

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 or about 5.30 pm on the 6 January 2011 the Plaintiff went for a walk with her cousin Sheena Samantha Bennett. Whilst the Plaintiff was walking with her cousin along the Eastern side of the Arterial Bypass, Newlands in an area off the roadway and in the cycle lane and her cousin was walking on the grass verge of the Arterial Bypass towards Hirst Road, Newlands, she was hit from behind by the Defendant whilst the Defendant was driving her motor vehicle registration number 133729, a white Mazda Alternza.
2. The front left hand side of the bonnet of the Defendant's motor vehicle collided with the Plaintiff by reason of the fact that the Defendant so negligently drove her motor vehicle along the road that it collided with the Plaintiff and knocked her down to the ground.

## **PARTICULARS OF NEGLIGENCE**

- i) Driving at a speed that was too fast in the circumstances.
  - ii) Failing to keep any or any proper look-out or to have any or any sufficient regard for pedestrians crossing the road.
  - iii) Failing to see the Plaintiff in sufficient time to avoid colliding with her or at all.
  - iv) Failing to stop, to slow down, to swerve or in any other way so to manage or control his motor-car as to avoid colliding with the Plaintiff.
3. By reason of these matters, the Plaintiff sustained injuries and has suffered loss and damage.
  4. The Defendant has been charged with Dangerous Driving contrary to section 68 of the Traffic Law (R2003). The said charge is relevant to the issue of negligence and the Defendant intends to rely on it or any conviction as evidence of negligence 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 Plaintiff sustained injuries and she has suffered loss and damage.

## **PARTICULARS OF INJURIES**

The Plaintiff's date of birth is 29 January 1986. As a result of the accident, the Plaintiff has suffered various injuries including multiple skull lacerations, fractures of the left clavicle, fracture of her second rib, fracture of her right distal

radius extending into her right wrists and anemia due to extensive blood loss. She has suffered from headaches, especially to the left occipital area of her head and left upper neck. The Plaintiff has suffered anxiety and post-concussion syndrome and will rely on the various medical reports disclosed to date including the report of Dr. Alejandro Badia M.D. F.A.C.S. dated 11 July 2012.

#### PARTICULARS OF SPECIAL DAMAGE

1. At the time of the accident the Plaintiff worked in employment. The Plaintiff is unable to work in her chosen area as she has suffered various musculo-skeletal injuries that prevent her from performing those tasks as well as an inability to concentrate. Due to her head injuries the Plaintiff is unable to concentrate for any length of time and has caused or contributed to a loss of income.
2. Any and all expenses reasonably incurred, medical or otherwise, in the treatment of the Plaintiff, which will be further particularised, following full disclosure of all documents, in due course in the appropriate form:-
3. Hand written letter about 3 hours of work costing CI \$750.00 by Dr Quartly.
4. E-mail to Annette Diane Eden from Angelyn Hernandez to collect a cheque for CI \$2,408.00 undated.
5. Invoice from C.I. Health Services Authority Statement #6244249 dated 26 January 2011 for CI \$14,819.79.
6. Invoice from C.I. Health Services Authority Statement #6244257 dated 26 January 2011 for CI \$23.50.
7. Invoice from C.I. Health Services Authority Statement #6244267 dated 26 January 2011 for CI \$40.00.
8. Invoice from C.I. Health Services Authority Statement #6244261 dated 26 January 2011 for CI \$294.51.
9. Invoice from C.I. Health Services Authority Statement #6244259 dated 26 January 2011 for CI \$40.00.
10. Invoice from C.I. Health Services Authority Statement #6294103 dated 26 January 2011 for CI \$974.15.
11. Invoice from C.I. Health Services Authority Statement #6294102 dated 2 February 2011 for CI \$278.65.
12. Work Schedule for Annette Andrade for CI\$ 35,538.98.
13. Letter from Marksons Furniture & Supplies Ltd. of Ms. A. Diane Andrade salary and commission CI\$ 9,041.67 dated 9 May 2011.
14. Form from Wayne R. Porter, M.D. with receipt attached for CI\$ 510.00.
15. Letter to Kerrie Cox from Hernandez & CO. referring to payments of CI\$10,000.00 paid to Ms. Andrade dated 20 October 2011
16. Letter to Diane from Angelyn Hernandez for CI\$ 7000.00 dated 2 November 2011.
17. Letter To Whom It May Concern - Ms Diane Andrade - base salary CI\$575.07 dated 20 March 2012.
18. Receipt from Cayman Chiropractic Clinic for CI\$75.00 dated 12 April 2012.

19. Invoice #1388 from Cayman Physiotherapy Ltd. for CI\$500.00 dated 1 May 2012.
20. Cheque from Saxon MG No.336 for CI\$2,408.00 dated 6 May 2012.
21. Invoice #1656 from Cayman Physiotherapy Ltd. for CI\$200.00 dated 28 June 2012.
22. Invoice #1765 from Cayman Physiotherapy Ltd. for CI\$600.00 dated 8 August 2012.
23. Letter To Whom It May Concern from Aileen Graffe-McDonley - BADIA payments of USD\$375.00 made by Ms. Andrade for a report by Dr. Badia dated 7 November 2012.
24. Dr. Jemal Khan D.C. with appointment schedule and payment to be made on; 4 December 2012 CI\$75.00, 6 December 2012 CI\$50.00, 8 December 2012 CI\$50.00, 11 December 2012 CI\$50.00, 13 December 2012 CI\$50.00, 15 December 2012 CI\$50.00.
25. Expense Report for USD\$2,598.49 dated 24 July 2013.
26. Invoice from Health Services Authority for CI\$74.01 dated 29 April 2013.
27. Invoice from Health Services Authority for CI\$136.40 dated 29 April 2013.
28. Invoice from Health Services Authority for CI\$268.57 dated 29 April 2013.
29. Invoice from Health Services Authority for CI\$74.01 dated 29 April 2013.
30. Invoice from Health Services Authority for CI\$879.30 dated 29 April 2013.
31. Invoice from Health Services Authority for CI\$121.20 dated 29 April 2013.
32. Invoice from Health Services Authority for CI\$15.00 dated 29 April 2013.
33. Invoice from Health Services Authority for CI\$42.00 dated 29 April 2013.
34. Cayman Physiotherapy Ltd. Statement Patient#949 for CI\$1,850.00 dated 19 July 2013.
35. Cayman Physiotherapy Ltd. Statement Patient#5286 for CI\$100.00 dated 19 July 2013.
36. Payment Receipt for BAIA Hand To Shoulder Center LLC for CI\$495.00 dated 24 July 2013.
37. Payment Receipt for BAIA Hand To Shoulder Center LLC for CI\$1,350.00 dated 24 July 2013.
- 38.

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

  
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**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 2014

BETWEEN            ANNETTE DIANE EDEN ANDRADE            PLAINTIFF  
AND:                PATRICE LEANNE FREDERICK                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 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.*

[Empty box for defendant's attorney indorsement]