

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: *G-0083* OF 2014  
LEGAL AID NO: LACV0119/2014

BETWEEN:

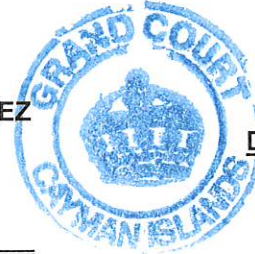
MIRTA EVILLA BERRY

PLAINTIFF

AND:

ROBUSTIANO MARTINEZ TORREZ

DEFENDANT



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**WRIT OF SUMMONS**

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**TO:** Robustiano Martinez Torrez  
136 Butterfly Circle  
Bodden Town  
Grand Cayman

**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 Courts Office, PO Box 495GT, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment of Service within the time stated, or if you return the Acknowledgement of Service 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 30<sup>th</sup> day of May 2014

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 Acknowledgement of Service are given with the accompanying form.

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**GENERAL INDORSEMENT**

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On or about 4 June 2011, the Defendant drove his motor vehicle, namely a Dodge Ram Truck, into the porch of 234 Butterfly Circle, Bodden Town causing injury, loss and damage to the Plaintiff. The Defendant has pleaded guilty to a charge of doing a reckless act and four charges of common assault arising from the same incident.

In accordance with Order 6, Rule 4 of the Grand Court Rules (1995 Revision) the Defendant's insurers are:-

The Insurance Company of the West Indies (Cayman) Ltd.  
150 Smith Road  
PO Box 461  
Grand Cayman, KY1-1106  
Cayman Islands

**AND THE PLAINTIFF CLAIMS:-**

- (1) General Damages;
- (2) Special Damages;
- (3) Interest thereon pursuant to Section 34 of the Judicature Law (2007 Revision) at the prescribed rates from the date of the injury and for such period as may be just; and
- (4) Costs

Dated this 30<sup>th</sup> day of May 2014

*Stuarts Walker Hersant*

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**STUARTS WALKER HERSANT**  
Attorneys-at-law for the Plaintiff

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: *60083* OF 2014  
LEGAL AID NO: LACV0119/2014

BETWEEN:

MIRTA EVILLA BERRY

PLAINTIFF

AND:

ROBUSTIANO MARTINEZ TORREZ

DEFENDANT

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ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS

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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 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 of Summons is acknowledged accordingly

(Signed) \_\_\_\_\_

**NOTE 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/she must give his post office box number and the physical address of his/her residence or, if he/she does not reside in the Cayman Islands, he/she must give an address in Grand Cayman where communications for him/her 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/her name, address and reference, if any, in the box below.

Anthony Akiwumi/Paul Murphy  
STUARTS WALKER HERSANT  
Attorneys-at-Law  
4<sup>th</sup> Floor, Cayman Financial Centre  
36A Dr. Roy's Drive  
P.O. Box 2510 GT  
George Town  
Grand Cayman, KY1-1104  
Cayman Islands

Tel: 345 949 3344  
Fax: 345 949 2888  
Ref: **AA/PM/6096**

Endorsement by Defendant's Attorney (or by Defendant if responding in person) of his/her name, address and reference, if any, in the box below.

[Empty box for Defendant's Attorney endorsement]

**DIRECTIONS FOR ACKNOWLEDGEMENT 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, PO Box 495, 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 of Guidance***

**Notes for Guidance:**

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement 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/her.
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 authorized to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on his 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.