

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION**

**CAUSE NO. 239 OF 2014**

**BETWEEN:**

**MAUREEN DIXON  
NATESHA KELSEY**

**1<sup>ST</sup> PLAINTIFF**

**2<sup>ND</sup> PLAINTIFF**

**AND:**

**RITA MAY DUFFUS  
BRIDGETTE HELEN POWERY**

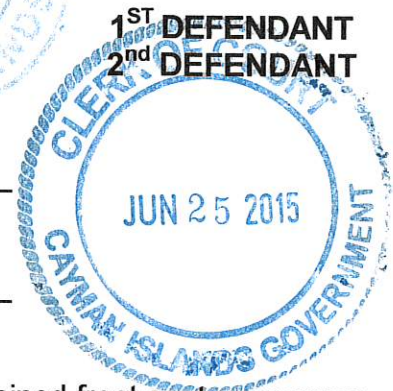
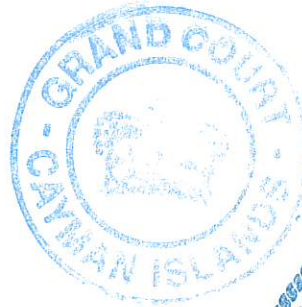
**1<sup>ST</sup> DEFENDANT**

**2<sup>ND</sup> DEFENDANT**

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**STATEMENT OF CLAIM**

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1. On Saturday 2<sup>nd</sup> March, 2013 the 1<sup>st</sup> Plaintiff was a restrained front seat passenger and the 2<sup>nd</sup> Plaintiff was an unrestrained back seat passenger in 2005 Daihatsu Charade Licence No. 132 570 driven by the 1<sup>st</sup> Defendant North along Thomas Russell Way heading towards North Sound Road. The 2<sup>nd</sup> defendant was the driver of Honda Civic Licence No. 126 092 travelling South along North Sound Road. Upon reaching the traffic lights at the intersection on North Sound Road, the cars driven by the defendants collided when the 2<sup>nd</sup> defendant attempted to turn right onto Shedden Road causing the Plaintiffs to suffer personal injuries and losses.
2. The said collision was caused by the negligence and/or breach of statutory duty of the 1<sup>st</sup> and 2<sup>nd</sup> defendants.

**PARTICULARS OF NEGLIGENCE AND/OR BREACH OF STATUTORY DUTY**

- 2.1 Driving too fast
- 2.2 Failing to keep any or any proper look out

- 2.3 Failing to appreciate that they were approaching an intersection which required the exercise of greater care and caution;
  - 2.4 Failing to stop, steer, slow down or otherwise control or manoeuvre the vehicles so as to avoid the collision;
  - 2.5 Negligently and/or in breach of section 67(a) of the Traffic Law, 2011 failing to exercise care and attention and/or have due regard to the safety and comfort of the plaintiffs;
  - 2.6 Negligently and/or in breach of section 68(a) of the Traffic Law, 2011 failing to drive in such a manner as to have full control of the said vehicles at all material times.
  - 2.7 Negligently and/or in breach of section 68(f) of the Traffic Law , 2011 failing to drive at a speed and in a manner and at a distance from other vehicles as to be able to stop in an emergency without being involved in a collision;
3. By reason of the matters pleaded above, the 1<sup>st</sup> plaintiff who is now 46 years old having been born 7<sup>th</sup> July 1968 and the 2<sup>nd</sup> Plaintiff who is now 29 years old having been born 9<sup>th</sup> January, 1986 have suffered pain, injury, loss and damage.

#### **PARTICULARS OF INJURY OF THE 1<sup>ST</sup> PLAINTIFF**

- 3.1.1 The 1<sup>st</sup> Plaintiff who was a restrained front seat passenger sustained multiple injuries which included soft tissue injuries, seat belt abrasions to her left shoulder, neck and anterior chest and pain to her right shoulder.
- 3.1.2 The 1<sup>st</sup> Plaintiff now experiences pain down the right side of her neck to her arm and forearm and has difficulty with lifting. MRI done revealed the sternoclavicular joint has an effusion in it and is somewhat elevated compared with the left side with widening of the joint space indicating that this was injured. The damage to the sternoclavicular joint the 1<sup>st</sup> Plaintiff

has suffered an acceleration/deceleration injury to her cervical spine which is the cause of her present symptoms.

- 3.1.3 Prior to the accident the 1<sup>st</sup> Plaintiff was not experiencing any of the pains she now experiences. The 1<sup>st</sup> Plaintiff is still in need of treatment. Further details of the 1<sup>st</sup> Plaintiff injuries, recommended investigations and treatment are contained in medical report of Dr. Frank Smith dated 28<sup>th</sup> May, 2015. Additional details of the 1<sup>st</sup> Plaintiff medical condition will be provided in a medical report to be prepared by her attending physician.

### **PARTICULARS OF INJURY OF THE 2<sup>nd</sup> PLAINTIFF**

- 3.2.1 The 2<sup>nd</sup> Plaintiff who was an unrestrained back seat passenger sustained severe multiple injuries which included whiplash injury to the cervical, thoracic and lumbar spine with radiation of painful symptoms into both hips, concussion with brief loss of consciousness, bruises and superficial wound of the upper lip, bruises to the right shoulder, bruises to the chest, bruises and contusion to the left sternoclavicular joint and bruises to the left shin with superficial grazes.
- 3.2.2 The 2<sup>nd</sup> Plaintiff wore a neck collar for support and suffered from significant muscle spasm around the upper quadrant on both right and left sides of her neck.
- 3.2.3 The 2<sup>nd</sup> plaintiff had problems with concentration, pain and vision and was unable to work for a period or continue her studies at University. The 2<sup>nd</sup> plaintiff was unable to work due to her illness for 26 days between 2<sup>nd</sup> March, 2013 and 31<sup>st</sup> May, 2013. In February 2014 the 2<sup>nd</sup> plaintiff went off on sick leave for a further 3 days because of the pain and suffering she continued to experience from the injuries received. The 2<sup>nd</sup> Plaintiff resumed work but due to the said injuries the 2<sup>nd</sup> plaintiff was unable to work for a further 5 months between March, 2014 and August, 2014.

3.2.4 The 2<sup>nd</sup> Plaintiff received soft tissue mobilization treatment, joint mobilization of the Cx, electrotherapy, ice and heat treatment and home exercise programme: (Physiotherapist report/26.4.13).

3.2.5 On 13<sup>th</sup> March, 2013 the 2<sup>nd</sup> Plaintiff saw Dr. Lowell Stanley who reviewed CT Scan of her skull and head and prescribed medication and recommended cervical facet joint injections and referred for MRI of the C-spine to 3-T Cayman.

3.2.6. The 2<sup>nd</sup> Plaintiff is still suffering from right sided shoulder pain and left sided sterno-clavicular pain. Further since the accident she has not been able to help with housekeeping tasks as before especially lifting task.

3.2.7 Further details of the 2<sup>nd</sup> Plaintiff injuries, recommended investigations and treatment are contained in medical report of Dr. Matthias Herzig dated 12<sup>th</sup> June, 2015. Additional details of the 2<sup>nd</sup> Plaintiff's medical condition will be provided in a medical report to be prepared by her attending physician.

4.0.

**PARTICULARS OF SPECIAL DAMAGE - 1<sup>ST</sup> PLAINTIFF**

Para.	Date	Payee	Remarks	Amt.(KYD)
4.1.1	3.5.13	Cayman Physiotherapy	Physiotherapy	60.00
4.1.2	10.3.13 – 14.3.14	Value Med Pharmacy	Prescription Cost	83.70
4.1.3	21.3.14	KY Imaging	MRI	145.00
4.1.4	27.2.14	Cayman Orthopaedic	Consultation	220.00
4.1.5	2.3.13 – 19.2.15	HSA	Various	301.34
4.1.6	10.2.14	RCIPS	Police Report	25.00
4.1.7	Various	Travel Expenses		T.B.A
4.1.8	Various	Loss of earnings		T.B.A.

	<b>TOTAL</b>		T.B.A. in supplemental schedule of loss	
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4.1.9 The 1<sup>st</sup> plaintiff will file and serve a supplemental Schedule of Special of Damages in this cause when such further items have been quantified.

**PARTICULARS OF SPECIAL DAMAGE – 2<sup>nd</sup> PLAINTIFF**

Para.	Date	Payee	Remarks	Amt.(KYD)
4.2.1	19.3 .13 -19.4.13	Cayman Physiotherapy	Physiotherapy	989.00
4.2.2	2.3.13 - 3.11.14	Value Med Pharmacy	Prescription Cost	221.73
4.2.3	28.4.14 – 17.5.14	Chrissie Tomlinson Hosp	Various	444.42
4.2.4	27.2.14	Cayman Orthopaedic	Consultation	220.00
4.2.5	2.3.13 – 25.4.14	HSA	Various	982.17
4.2.6	24.3.14	RCIPS	Police Report	100.00
4.2.7	Various	Travel Expenses		T.B.A
4.2.8	Various	Loss of earnings		T.B.A.
4.2.9	17.7.14	3T Cayman	MRI	1525.07
4.2.10	6.3.13 – 11.9.14	Various	Med Consultation	968.59
4.2.11	16.5.13	Optical Outlook Ltd	Glasses	265.00
4.2.12	12.6.15	Dr. Herzig	Medical Report	1500.00
	<b>TOTAL</b>		T.B.A. in supplemental schedule of loss	

4.2.13 The 2<sup>nd</sup> plaintiff will file and serve a supplemental Schedule of Special of Damages in this cause when such further items have been quantified.

5.0

**PARTICULARS OF FUTURE LOSS – 1<sup>ST</sup> PLAINTIFF**

Para.	Expense	Amt.(KYD)
5.1.1	Loss of salary	T.B.A
5.1.2	Future Medical procedures and pharmaceutical costs	T.B.A
5.1.3	Travel Expenses	T.B.A.
	TOTAL	T.B.A

5.1.4 The 1<sup>st</sup> plaintiff will file and serve a supplemental Schedule for Future Loss in this cause when such further items have been quantified.

**PARTICULARS OF FUTURE LOSS – 2<sup>ND</sup> PLAINTIFF**

Para.	Expense	Amt.(KYD)
5.2.1	Loss of salary	T.B.A
5.2.2	Future Medical procedures and pharmaceutical costs	T.B.A
5.2.3	Travel Expenses	T.B.A.
	TOTAL	T.B.A.

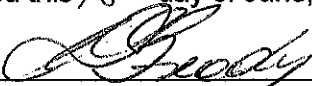
5.2.4. The 2<sup>nd</sup> plaintiff will file and serve a supplemental Schedule for Future Loss in this cause when such further items have been quantified.

**AND the Plaintiffs claim:**

1. Damages;
2. Interest thereon pursuant to the Judicature Law (2007 Revision) and the Grand Court Rules (1995 Revision);
3. Costs

4. Such further and/or other relief as may be just.

Dated this 18 day of June, 2015

  
\_\_\_\_\_  
Dennis E. Brady  
Attorney-at-law for the Plaintiffs

This Statement of Claim was filed by Dennis E. Brady, Attorney for the plaintiff whose address for service is Trinity Square Bldg 3, Eastern Ave, George Town, P.O. Box 11740 APO, Grand Cayman KY1-1009

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION**

CAUSE NO. 239 OF 2014

BETWEEN:

**MAURINE DIXON  
NATESHA KELSEY**

1<sup>st</sup> PLAINTIFF  
2<sup>nd</sup> PLAINTIFF

AND:

**RITA MAY DUFFUS  
BRIDGETTE HELEN POWERY**

1<sup>st</sup> DEFENDANT  
2<sup>nd</sup> DEFENDANT



**WRIT OF SUMMONS**

TO: Miss RITA MAY DUFFUS  
13 Apollo Link  
Windsor Park  
George Town  
Grand Cayman



By order of the Court dated

1 Dec. 2015

This Writ is extended until the

3 March 2016

AND TO:

Ms. BRIDGETTE HELEN POWERY  
104 Boatswain Bay Road  
West Bay  
Grand Cayman

A handwritten signature in blue ink, appearing to be "J. Clerk of Court".



THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs 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        day of October, 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 Acknowledgment of Service are given with the accompanying form.

**GENERAL INDORSEMENT**

The Plaintiffs' claims are for:

- (1) Damages for personal injuries sustained and loss and damage suffered caused by the negligent driving of Daihatsu Charade Licence No. 132 570 by the 1<sup>st</sup> defendant the negligent driving Honda CRV Licence No. 126 092 by the 2<sup>nd</sup> defendant on the 2<sup>nd</sup> day of March, 2013 at the junction of Shedden Road, North Sound Road and Thomas Russell Way.
- (2) Interest thereon pursuant to the Judicature Law (2007 Revision) and the Grand Court Rules (1995 Revision) and
- (3) Costs

Dated this *5<sup>th</sup> November* day of ~~October~~, 2014

  
\_\_\_\_\_  
Dennis E. Brady  
Attorney-at-law for the Plaintiffs

**Acknowledgement of service of writ of summons (0.12, r.3)**

**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 2014**

**BETWEEN:**

**MAURINE DIXON**

**1<sup>st</sup> PLAINTIFF**

**NATESHA KELSEY**

**2<sup>nd</sup> PLAINTIFF**

**AND:**

**RITA MAY DUFFUS**

**1<sup>st</sup> DEFENDANT**

**BRIDGETTE HELEN POWERY**

**2<sup>nd</sup> 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 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

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Service of the Writ is acknowledged accordingly

(Signed).....

Defendant/Attorney for the defendant

**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 plaintiffs' Attorney (or by plaintiff if suing in person)** of his name, address and reference, if any, in the box below

Dennis E. Brady  
Trinity Square, Building B-3  
Eastern Ave, George Town  
Grand Cayman, KY1-1009  
1-345-946-3203

**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]