

BETWEEN:

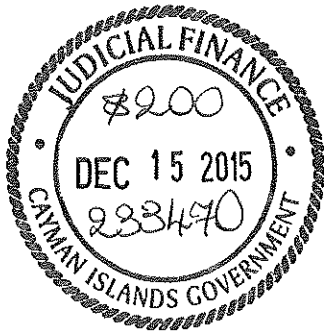
DENTON YOUNG

PLAINTIFF

AND:

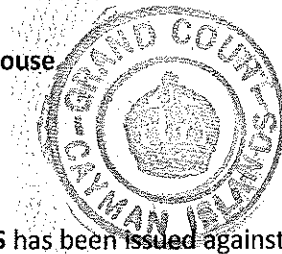
ALAN CRAIG

DEFENDANT



WRIT OF SUMMONS

TO: Alan Craig  
Campbells  
Floor 4, Willow House  
Cricket Square  
PO Box 884  
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 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 15<sup>th</sup> day of December 2015.

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.

## STATEMENT OF CLAIM

1. At all material times the Defendant was the owner (within the meaning of the Animals Law 2015) of two dogs.
2. The Plaintiff was employed as a contractor in Vista Del Mar, Grand Cayman.
3. On the 2<sup>nd</sup> September 2015 at approximately 7.45am the Plaintiff was walking along Yacht Drive on his way to work.
4. The Plaintiff observed the Defendant's dogs being walked on the opposite side of the road by an unknown female. The dogs were leashed.
5. Without warning the dogs broke free and ran towards the Plaintiff. The dogs attacked and bit the Plaintiff on his arms and legs causing him to sustain injuries.
6. By reason of Section 39 of the Animal Law (2015 revision) and the matters pleaded above, the Defendant is liable to the Plaintiff for his said injuries, loss and damage.
7. Further or alternatively, the Plaintiff's said injuries were caused by the negligence of the Defendant.

### Particulars of negligence

- a) failed to take any or adequate care for the safety of the Plaintiff;
  - b) failed adequately or at all to restrain or control the dogs;
  - c) failed to cause or require or otherwise ensure that the dogs were restrained by an adequate and/or experienced person at the relevant time, and;
  - d) Failed to cause the said dogs to be muzzled
8. By reason of the matters aforesaid, the plaintiff has suffered personal injuries, loss and damage.

### **Particulars of Personal Injury**

9. The plaintiff who was born on the 14<sup>th</sup> October 1973 sustained a number of bites and abrasions as a result of the attack.
10. As a result of his injuries the plaintiff was taken to George Town Hospital Accident and Emergency Department immediately after the accident.

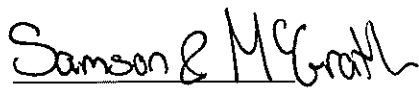
11. His wounds were cleaned and dressed and he was given a Tetanus vaccination and prescribed pain relieving medication.
12. The Plaintiff was absent from work for 5 days following the attack due to his injuries.
13. The wounds have now healed but he is left with scarring on both legs.
14. The Plaintiff also suffered psychological trauma as a result of the attack and he remains nervous around dogs.

**Particulars of Loss and Damage**

15. See attached schedule of Special damages
16. The Plaintiff claims interest pursuant to section 34 of the Judicature Law (2013 Revision) on the amount found to be due to the Plaintiff at such rate and for such periods as the court thinks fit.

**AND THE PLAINTIFF claims:**

1. Damages
2. Interest in accordance with the Judicature Law (2013 Revision)
3. Costs



**Samson & McGrath**

**Attorneys for the Plaintiff**

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2015

BETWEEN:

DENTON YOUNG

PLAINTIFF

AND:

ALAN CRAIG

DEFENDANT

SCHEDULE OF SPECIAL DAMAGES

Item	Description	CI\$
1.	Medical treatment (CIHSA)	402.05
2.	Damaged Jeans	50.00
3.	Damaged Bag	30.00
4.	Damaged cell Phone	200.00
5.	Loss of Earnings (5 days at \$125 per day)	625.00
<b>TOTAL</b>		<b>1,307.05</b>

**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

CAUSE NO: OF 2015

BETWEEN:

DENTON YOUNG

PLAINTIFF

AND:

ALAN CRAIG

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)
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)

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  
3<sup>rd</sup> 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.