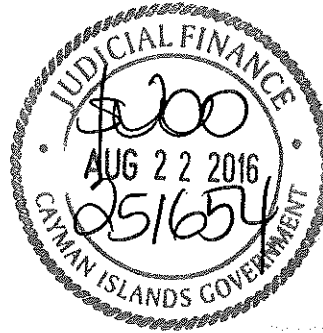


IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION



60155
CAUSE NO: OF 2016

BETWEEN:

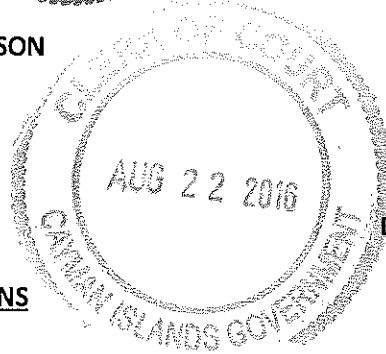
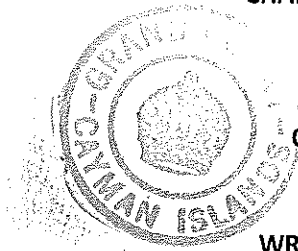
CHAMRENE ROBINSON

PLAINTIFF

AND:

OWEN CARTER

DEFENDANT



WRIT OF SUMMONS

TO:

Owen Carter

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of 142 Walkers Road, George Town, Grand Cayman 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 August 2016

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.

And as a Noticed Party to:

The Insurance Company of the West Indies (Cayman) Limited
150 Smith Road
P.O. Box 461
Grand Cayman, KY1-1106

STATEMENT OF CLAIM

1. At all material times, the Plaintiff was a pedestrian and the Defendant was the driver of a Ford Explorer motor vehicle registration number 65012.
2. On the 8th August 2014 the Plaintiff was standing in a pedestrian area outside 'Top Taste' restaurant near to the junction between Boilers Road and Walkers Road, when suddenly and without warning she was struck, knocked down and injured by the defendant's motor vehicle which was turning left from Boilers Road onto Walkers Road.
3. At all material times the Defendant was insured to drive the Ford Explorer motor vehicle registration number 65012 with The Insurance Company of the West Indies (Cayman) Limited who had issued a policy of insurance relating to the vehicle in accordance with the Motor Insurance (Third Party Risks Law).

Particulars of negligence

4. The Defendant was negligent in that he:
 - a) drove too fast in all of the circumstances;
 - b) failed to keep any or any proper look out;
 - c) failed to see the Plaintiff whether in time or at all;
 - d) failed by means of his lights or horn or otherwise howsoever to warn the Plaintiff of his approach and intention;
 - e) failed to apply his brakes in time or at all;
 - f) failed to stop, to slow down, to swerve or otherwise so to manage or control his vehicle as to avoid the aforesaid collision;
 - g) struck, knocked down and injured the Plaintiff;
 - h) exposed the Plaintiff to a foreseeable risk of injury;
 - i) failed to take any or any adequate care for the safety of the Plaintiff;
 - j) failed to remain on the main carriageway
5. As a result the Plaintiff who is now aged 66 years, having been born on 21st May 1950 suffered pain, injury, loss and damage.

Particulars of general damage

6. The plaintiff was knocked to the ground by the impact with the vehicle and was taken to George Town hospital by ambulance shortly thereafter.
7. The plaintiff sustained soft tissue injuries to her left side and a fractured toe and lacerations to her left foot.
8. The plaintiff continues to experience problems with her left side and foot and is having ongoing treatment.

9. The Plaintiff will rely on expert evidence in support of her injuries.

Particulars of special damage

10. Please see attached Schedule of Special Damages. The plaintiff continues to receive treatment for her injuries and full particulars of future damages are not known at this time and will be provided in due course.

11. The Plaintiff will claim interest pursuant to section 34 of the Judicature Law (2013 Revision) at half the rate as prescribed under the Judgment Debts (Rates of Interest) Rules (as amended) from the 8th August 2014 to Trial.

AND THE PLAINTIFF claims:

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

Samson + mcgrath

Samson & McGrath
Attorneys for the Plaintiff

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: OF 2016

BETWEEN:

CHAMRENE ROBINSON

PLAINTIFF

AND:

OWEN CARTER

DEFENDANT

SCHEDULE OF SPECIAL DAMAGES

	Claim	Amount CI\$
1	CIHSA	90.61
2	CTMH	111.94
3	Future Radiology	608.65
	The Plaintiff's treating doctors have recommended X-rays of her foot and toe, an ultrasound and mammogram of her left breast and a further MRI.	
4	Loss of Earnings	24,255.00
	<p>Prior to the accident the Plaintiff was employed as a housekeeper for the Westin for a period of 7 years. She worked 9 hours per day, 7 days a week earning \$5.50 per hour plus gratuities.</p> <p>This equates to a weekly salary of \$346.50 (plus gratuities)</p> <p>She ceased working for the Westin in 2014</p> <p>At the time of the accident she was actively looking for work and had sent resumes to the Ritz-Carlton, Marriott and other hotels.</p> <p>She was then involved in the accident and not able to work.</p> <p>Loss 70 weeks x \$346.50 = 24,255.00 and ongoing</p>	
5	Gratuitous Care	1,280.00
	Assistance was provided to the Plaintiff by her	

	<p>daughters.</p> <p>Keljan Hutchison remained with the Plaintiff in hospital on the date of the accident.</p> <p>8 hours x 10.00 = \$80.00</p> <p>Both of her daughters took her to the hospital to have her dressings changed for approximately 6 weeks.</p> <p>14 hours per week x 6 weeks x \$10.00=</p> <p>The Plaintiffs daughters or son in law takes her to the grocery store to assist with her shopping and lifting twice weekly since the date of the accident.</p> <p>2 hours per week x 70 weeks x \$10.00= \$1,400.00 and ongoing.</p>	
6	ABM Janitorial	972.00
	<p>For the first 2 months post-accident, the Plaintiff hired ABM Janitorial to carry out cleaning and cooking which she was unable to.</p> <p>18 hours per week x 9 weeks x \$6.00 per hour</p>	
7	Prescriptions	25.62
8	Travel to medical appointments	125.00
	Approximately 50 appointments x \$2.50	
9	Damaged Shoes and trousers	80.00
10	Purchase of special shoes	120.00
	Due to the lump on the Plaintiff's foot the Plaintiffs daughter bought her special shoes in America.	
11	CINICO outlay	TBA
12	Police Report	100.00
	Total	\$29,168.82 and ongoing

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 2016

BETWEEN:

CHAMRENE ROBINSON

PLAINTIFF

AND:

OWEN CARTER

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 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 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
5th 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.