



G90179

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

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

CAUSE NO. OF 2016

BETWEEN

CYNTHIA EUNICE SALMON-WALLEN

PLAINTIFF

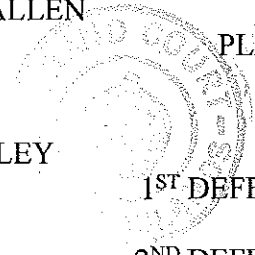
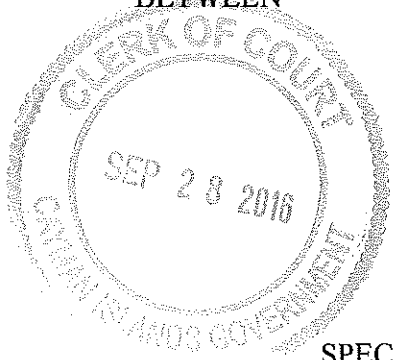
AND:

MARTIN CHRISTOPHER OAKLEY

1<sup>ST</sup> DEFENDANT

LIME

2<sup>ND</sup> DEFENDANT



SPECIALLY ENDORSED WRIT OF SUMMONS

TO: DEFENDANT: MARTIN CHRISTOPHER OAKLEY, 37 Clear Water Avenue,  
George Town, Grand Cayman, Cayman Islands.

2<sup>nd</sup> Defendant - LIME – One Technology Square (OTS), Shedden Road, P.O.Box 293,  
KY1-1104.

INSURANCE COMPANY – Cayman First, 3<sup>rd</sup> Floor, Harbour Place, 103 South Church  
Street, GT, PO Box 2171, KY1-1105.

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 2 day of July 2016

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 approximately 12.15 p. on the 11 December 2013, the Plaintiff was driving along Crew Road in an easterly direction. As the Plaintiff approached Melody Lane, which was on her right-hand side she signaled and then slowed to a stop. The 1<sup>st</sup> Defendant was driving a white 2004 Ford F150 Truck registration plate 97902 which belonged to his employers, Lime, the 2<sup>nd</sup> Defendant. The 1<sup>st</sup> Defendant was an employee of Lime.
2. The Plaintiff was driving a brown 2001 Honda Civic registration plate 87358. The Plaintiff stopped to allow an approaching vehicle in the opposite lane to pass by her. The 1<sup>st</sup> Defendant did not stop and collide with the rear of the Plaintiff's motor vehicle.
3. The collision was caused by the negligence of the Defendant.

### **Particulars of Negligence**

- a) Driving at an excessive speed in the circumstances.
  - b) Failing to keep any or any proper look-out or to have any or any sufficient regard for traffic that was immediately in front of him or might reasonably be expected to turn off Crew Road on to a side road and here Melody Lane/.
  - c) Failure to see the Plaintiff in sufficient time to avoid colliding with her or at all.
  - d) Failure to stop, to slow down, to swerve, or in any way so to manage or control the motor car as to avoid the collision.
4. Further it is averred that the facts of the accident speak for themselves as being an occurrence which cannot normally happen without negligence.
  5. By reason of these matters, the Plaintiff sustained injuries and she has suffered loss and damage.

### **Particulars of Injuries**

- 6) As a result of the accident, the Plaintiff has suffered various injuries as detailed in the medical report of Dr. Samuel Williams-Rodriguez, MD, MPH dated 15 July 2014.

**Particulars of Special Damage**

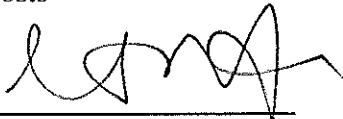
1. Invoice from C.I. Health Services Authority dated 12 December 2013 for CI\$163.36.
2. Payment Receipt - Cayman Islands Hospital dated 12 December 2013 for CI\$10.50.
3. Emergency Physician Notes – Document Contains Addenda – A&E Report dated 12 December 2013.
4. XR Cervical Spine 2 Or 3 Views – Final Report dated 12 December 2013.
5. XR Chest Single View dated 12 December 2013.
6. XR Chest Special View – Final Report dated 12 December 2013.
7. Royal Cayman Islands Police Service Incident/Investigation Report dated 23 December 2013.
8. Payment Receipt dated 4 February 2014 for CI\$22.00.
9. Screen print out- Outpatient 14 February 2014.
10. Promissory Note dated 18 February 2014.
11. Patient Account Balance dated 18 February 2014 for CI\$762.30.
12. Charge Viewer Report date 18 February 2014 for CI\$365.18.
13. CT Chest w/o Contrast – Preliminary Report dated 18 February 2014.
14. Consent Form for Procedure dated 18 February 2014.
15. Payment Receipt – Cayman Islands Hospital dated 25 February 2014 for CI\$3.54.
16. Payment Receipt – Cayman Islands Hospital dated 25 February 2014 for CI\$50.00.
17. Letter from Cayman Islands Health Services Authority dated 15 July 2014.
18. Profit Charge Activity dated 15 July 2014 for CI\$1,1163.52.

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



Clyde H. Allen, 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.

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 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 Acknowledgement 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 judgement 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 the 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 liquidation 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 stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make or 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 Acknowledgement of Service and return it to the Courts Office.
2. For the purpose of calculating the period of the 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 deferent 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 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.

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CAUSE NO.      OF 2016

BETWEEN

CYNTHIA EUNICE SALMON-WALLEN

PLAINTIFF

AND:

MARTIN CHRISTOPHER OAKLEY

1<sup>ST</sup> DEFENDANT

LIME

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 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 Allen  
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.*