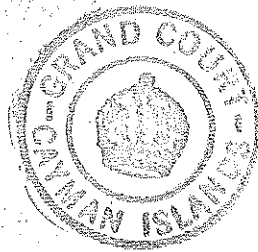
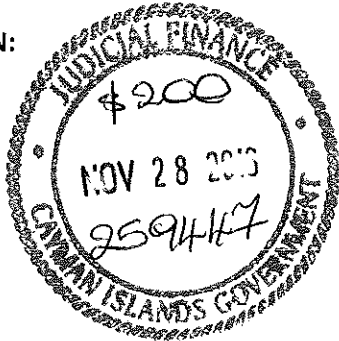


IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION



CAUSE NO: 223 OF 2016

BETWEEN:



ROBERT WOODS

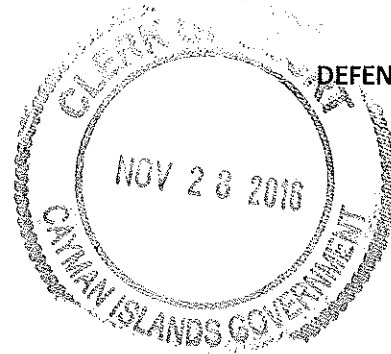
PLAINTIFF

AND:

FLORIS THOMPSON

DEFENDANT

WRIT OF SUMMONS



TO: Floris Thompson
58 Maple Road
George Town
Grand Cayman
CAYMAN ISLANDS

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of 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 28th day of November 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:

Saxon Motor & General Insurance Company Ltd.
14 Saturn Close
Eastern Avenue
PO Box 1094
KY1-1102

STATEMENT OF CLAIM

1. The Plaintiff's date of birth is the 13th January 1963 and his address is 46 Gloria May Drive, Savannah, Grand Cayman.
2. At all material times the Plaintiff was the owner and rider of a Triumph Sprint motorcycle registration 132450 and the Defendant was the driver of a Kia Sorrento registration 125446.
3. On the 27th December 2013 the Plaintiff was proceeding in an Easterly direction on his motorcycle in the right hand lane of the two Eastbound lanes of Shamrock Road, Grand Cayman. As the Plaintiff approached the junction with Prospect Drive, the Defendant in her aforementioned vehicle exited from Prospect Drive, turning right into Shamrock Road, in a Westerly direction towards George Town and drove into the path of the motorcycle, thereby causing a collision between the two vehicles.
4. At all material times the Defendant was insured to drive the Kia Sorrento registration 125446 with Saxon Motor & General Insurance Company Ltd who had issued a policy of insurance relating to the vehicle in accordance with the Motor Insurance (Third Party Risks Law).

Particulars of negligence

5. The Defendant was negligent in that she:
 - a. failed to keep any or any proper look out;
 - b. failed to observe or heed the Plaintiff whether in time or at all;
 - c. emerged from Prospect Drive, a side road, when it was unsafe to do so;
 - d. failed to apply her brakes whether in time or at all;
 - e. failed to wait for the Plaintiff to pass her safely before commencing her manouvre;
 - f. failed to steer or control her vehicle so as to avoid the said collision.
6. The Defendant was convicted of the offence of careless driving in the Summary Court, number 01825/2014, on 17 November 2015 and was fined CI\$300 along with having her licence endorsed. The Defendant's conviction is relevant to the issue of negligence and it will be relied upon by the Plaintiff as evidence in this action.
7. By reason of the aforesaid, the Plaintiff has suffered personal injury, loss and damage.

Particulars of General Damage

8. The Plaintiff who was born on 13 January 1963 is currently 53 years old.
9. The Plaintiff suffered the following physical injuries:
 - a) A "Bennett" fracture of the left hand.
 - b) Fractures of the right 6th, 7th, 8th and 9th ribs.

- c) Bilateral shoulder pain and a SLAP tear of the left shoulder which required surgery. The Plaintiff's right shoulder initially responded well to physiotherapy however it now causes acute pain and has limited motion. The Plaintiff continues to experience pain with a limited range of motion in his left shoulder.
 - d) Multiple deep lacerations, some 3 inches deep, and abrasions over both upper and lower limbs. The Plaintiff has been left with an unsightly scar on each leg.
 - e) An abductor strain of the right groin.
 - f) A partial tear of the anterior cruciate ligament of the left knee and a tear of the posterior cruciate ligament of the left knee. The Plaintiff experiences pain when kneeling down and stiffness when standing up after sitting for long periods. The Plaintiff also experiences similar symptoms in the right knee due to injuries sustained from the accident and also has metal artefacts sediments in the same knee as a result.
 - g) The Plaintiff is no longer able to practise yoga which he did regularly before the accident or to play soccer.
10. In addition, the Plaintiff has developed acute anxiety about motor bike riding, one of his favourite pastimes for approximately 40 years, and he does not feel able to return to riding motorcycles.
11. Medical evidence giving further details of the Plaintiff's injuries, treatment and prognosis will be served in due course in accordance with Court directions.

Particulars of Special Damage

12. See attached Schedule of Special Damages.
13. 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 27th December 2013 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
Attorneys for the Plaintiff

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: OF 2016

BETWEEN:

ROBERT WOODS

PLAINTIFF

AND:

FLORIS THOMPSON

DEFENDANT

SCHEDULE OF SPECIAL DAMAGES

Item	Description	Value US\$
1	Property Damage	13,289.68
	<p>2008 Blue Triumph Sprint Motor Bike, Registration number: 132450</p> <p>The motor bike at the time of the accident was in immaculate condition had less than 10,000 miles: US\$12,195.12.</p> <p>Clothing including helmet and rucksack US\$1,097.56</p>	
2	Gratuitous Care	4,550.00
	<p>The Plaintiff received care mainly from his wife following the accident.</p> <p>Following the accident, the Plaintiff was severely restricted to remaining in bed downstairs for one week. During this time, his wife assisted him in bathing, getting dressed and bringing him anything he needed. She also undertook all cooking, washing, laundry, shopping, cleaning and other household chores. In addition to this the Plaintiff had daily medical appointments to attend to get his dressings changed and had to rely on his friend Frank to drive him to these</p> <p>8 hours per day x 1 week x \$10 per hour = \$560.00</p> <p>After this initial one week period, he improved to an extent but still had very limited mobility for a further 5 weeks, largely due to pain in his ribs. During this time, the Plaintiff was still very limited as to what he could do and required continued care and assistance as detailed above but to a lesser extent.</p> <p>4 hours per day x 7 days a week x 5 weeks x \$10.00 = \$1,400.00</p> <p>After this time, the Plaintiff had less restriction but still required assistance with some activities.</p>	

	<p>1 hour per day x 7 days a week x 10 weeks x \$10.00 = \$700.00</p> <p>The Plaintiff then underwent an operation on his shoulder and thus his restrictions increased for a period of 9 weeks post operation.</p> <p>3 hours per day x 7 days a week x 9 weeks x \$10.00 = \$1,890.00</p> <p>Since that time to date he has still occasionally suffered restrictions but is largely able to manage.</p>	
3	Medical Expenses	23,743.21
	<p>CIHSA Various US\$3,679.96 Pharmacy 28 Dec 2013 US\$34.01 Pharmacy 7 Jan 2014 US\$6.65 ARP Individual Treatment Program \$2,500 Cayman Orthopaedic 6 Feb 2014 CI\$44.00 (US\$53.66) International Medical Group 18 Feb 2014 CI\$175.00 (US\$213.41) Cayman Orthopaedic 7 March 2014 US\$30.49 International Medical Group 9 Apr 2014 CI\$42.00 (US\$51.22) Glen Burton (Laboratory) US\$59.61 Cayman Physio CI\$3,013.21 (US\$3,673.43) Dr Badia 15 April 2014 US\$2,650.00 The Surgery Center at Doral US\$5,208.51 Occupational Physiotherapy 15 April 2014 US\$358.00 Ortho Now 17 & 18 April 2014 US\$300.00 Dr Badia 14 May 2014 US\$4,524.26 Aturo Corces 4 Aug 2014 US\$400.00</p>	
4	Overseas Travel Expenses	2,307.84
	<p>Airfare 31 Jan – 2 Feb 2014 US\$82.15 Sustenance \$150.00</p> <p>Airfare 14-18 Apr 2014 US\$82.15 Hotel 14 - 18 Apr 2014 US\$628.28 Taxi 14 Apr 2014 US\$30.00 Sustenance \$250.00</p> <p>Airfare 14-17 Jun 2014 US\$82.15 Hotel 15-16 Jun 2014 US\$113.55 Hotel 16-17 Jun 2014 US\$190.97 Sustenance \$200.00</p>	

	Airfare 2-4 Aug 2014 US\$82.15 Hotel 2-4 Aug 2014 US\$266.44 Sustenance \$150.00	
	On Island Travel	150.00
	The Plaintiff had to travel from Savannah to the hospital, Bodden Town Clinic and physiotherapy appointments on approximately 50 occasions at an average cost of \$5.00 per trip. 50 x \$5.00= \$150.00	
	Police Report (CI\$100)	121.95
	Health Insurers Outlay	42,785.52
	The Plaintiff has health insurance with British Caymanian, their current outlay which they seek to recover is US\$42,785.52.	
	TOTAL	86,948.20

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:

ROBERT WOODS

PLAINTIFF

AND:

FLORIS THOMPSON

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.