

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION

CAUSE NO: *G0032*  
OF 2017

BETWEEN:

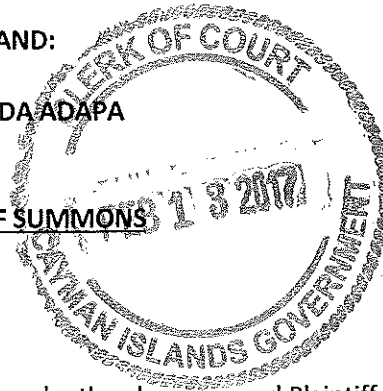
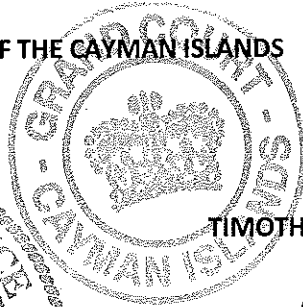
TIMOTHY SOLOMON

PLAINTIFF

AND:

ANANDA ADAPA

DEFENDANT



WRIT OF SUMMONS

TO: Ananda Adapa

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff of 43 Lake Forest Way, 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 13<sup>th</sup> day of February 2017.

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:  
British Caymanian Insurance Company Limited  
BritCay House  
236 Eastern Avenue  
George Town  
P.O. Box 74  
Grand Cayman KY1-1102

This Writ and Statement of Claim is issued by Samson & McGrath, Attorneys at Law whose address for service is 5<sup>th</sup> Floor, Genesis Building, George Town, Grand Cayman. P.O. Box 446 GT, KY1-1106. Solomon v Adapa.

## STATEMENT OF CLAIM

1. At all material times the Plaintiff was the owner and driver of a Ford Ranger registration 98197 and the Defendant was the driver of a Ford Focus registration number 152917.
2. On the 17<sup>th</sup> February 2014 the Plaintiff was stationary at traffic lights in his vehicle on Shedden Road, George Town, Grand Cayman. Suddenly and without warning the Defendant drove into the rear of the Plaintiff's stationary vehicle.
3. At all material times the Defendant was insured to drive the Ford Focus registration number 152917 with British Caymanian Insurance Company Ltd who had issued a policy of insurance relating to the vehicle in accordance with the Motor Insurance (Third Party Risks Law).
4. The accident was caused by the negligence of the Defendant.

### Particulars of negligence

- 4.1 drove too fast in all of the circumstances;
  - 4.2 failed to keep any or any proper look out;
  - 4.3 failed to adequately control his vehicle;
  - 4.4 failed to see the Plaintiff in time or at all;
  - 4.5 failed to apply his brakes whether in time or at all;
  - 4.6 res ipsa loquitur
5. By reason of the aforesaid, the Plaintiff has suffered personal injury, loss and damage.

### Particulars of General Damage

6. The Plaintiff's date of birth is the 19<sup>th</sup> May 1943 and he is currently 73 years old.
7. Following the accident, the Plaintiff was taken to George Town hospital by ambulance.
8. The plaintiff sustained injuries to his neck and back.
9. He returned to the hospital on the 19<sup>th</sup> February 2014 with continued pain and underwent imaging. He was discharged with pain relieving medication.
10. The Plaintiff has a prior history of cervical spine issues.
11. He had undergone further treatment with the Health Services Authority and underwent an MRI scan in September 2016.
12. He remains symptomatic and has undergone further treatment with Dr Lee and Dr Sekhar and has been referred for chiropractic treatment.
13. In addition to Pain Suffering and Loss of Amenity, the Plaintiff also pursues claims for Future Care, and Future Loss of income which will be particularized in due course.

**Particulars of Special Damage**

14. See attached Schedule of Special Damages.

15. 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 17<sup>th</sup> February 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

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SCHEDULE OF SPECIAL DAMAGES

<u>Item</u>	<u>Description</u>	<u>Value in CI\$</u>
1	<b>Loss of Income</b>  The Plaintiff owns a number of rental properties for which prior to the accident he undertook the majority of maintenance and yard work.  Since the accident, he has had to pay other people to undertake the majority of these roles.  The need for the maintenance varies depending on whether all the properties are rented out, when tenants move in and out etc. The Plaintiff anticipates his average monthly expenditure is as follows.  Gardener: \$75 General Maintenance (painting, repairs etc.) 64 hours per month @ \$12 per hour: \$768  36 months x \$843 = \$30,348	30,348.00
2	<b>Care</b>  Following the accident, due to his injuries, the Plaintiff has required Care and assistance. This was provided by his family members including his son Ellio Solomon.  Prior to the Plaintiff's accident he would undertake all household maintenance and yard work at his own home. Since the accident, the Plaintiff's family have taken on these chores and also anything that requires heavy lifting.	6,240.00

<u>Item</u>	<u>Description</u>	<u>Value in CI\$</u>
	156 weeks x 4 hours per week x \$10 = \$6,240	
<b>3</b>	<b>Imaging CD</b>	20.00
<b>4</b>	<b>Travel</b>	100.00
	The Plaintiff has attended approximately 20 medical, physiotherapy, chiropractic appointments since the accident.  \$5.00 x 20 = \$100	
	<b>TOTAL</b>	<b>36,708.00</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.

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**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).....

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  
5<sup>th</sup> Floor Genesis Building  
Genesis Close  
PO Box 446  
George Town  
Grand Cayman KGR/

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]