

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**  
**CIVIL DIVISION**

CAUSE No. 124 of 2017  
& LACV 0241/2014

**BETWEEN:**

**HORACE EUSTACE BAILEY**

Plaintiff

**-AND-**

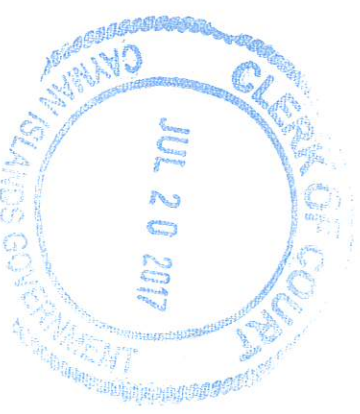
**DELMY YARELLI SMITH-MEDINA**

Defendant



**WRIT OF SUMMONS**

**TO: DELMI YARELLI SMITH-MEDINA,**  
No. 42 Forget Me Not Road,  
Bodden Town,  
GRAND CAYMAN  
CAYMAN ISLANDS



**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 20th day of July 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.

## GENERAL INDORSEMENT

The Plaintiff's claim is for:

- (1) Damages and loss arising out of personal injury sustained by the Plaintiff on 21<sup>st</sup> July 2014 as a result of a road traffic accident on the Lower Valley Road main road. The Plaintiff was a cyclist on his way home from work and the Defendant was driving a motor vehicle when she caused or permitted her vehicle to collide with the Plaintiff. His claim includes damages for pain suffering and loss of amenity and special damages to include medical expenses and out of pocket expenses. The Plaintiff contends his loss and damage was caused by negligence and or a breach of a common law duty of care by the Defendant.

The Defendant was convicted in relation to the same road traffic accident before the Traffic Court under case number 05272/2014 on or about 30<sup>th</sup> September 2014 of careless driving and driving without insurance and the Plaintiff will seek to rely on that conviction as proof of negligence and or breach of common law duty of care.

- (2) Interest thereon pursuant to the Judicature Law (2007 Revision) and the Grand Court Rules (1995 Revision) and
- (3) Costs

Dated this 20<sup>th</sup> day of July 2017



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**BRADY**  
Attorneys-at-law for the Plaintiff

**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 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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**CAUSE No.                      of 2017**  
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**BETWEEN:**

**HORACE EUSTACE BAILEY**

Plaintiff

**-AND-**

**DELMY YARELL SMITH-MEDINA**

Defendant

**WRIT OF SUMMONS**

**TO: DELMI YARELL SMITH-MEDINA,**  
**No. 42 Forget Me Not Road,**  
**Bodden Town,**  
**GRAND CAYMAN**  
**CAYMAN ISLANDS**

**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).....

Defendant/Attorney for the defendant

**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 plaintiffs Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below

Brady, Attorneys-at-Law  
Building B5-6, Crown Square  
Eastern Ave, George Town  
PO Box 1671  
Grand Cayman, KY1-1109  
T: +1 (345) 946-3203

Indorsement by defendants' Attorney (or by defendants if suing in person) of his name, address and reference, if any, in the box below