

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION

CAUSE NO: 14 OF 2018

BETWEEN:

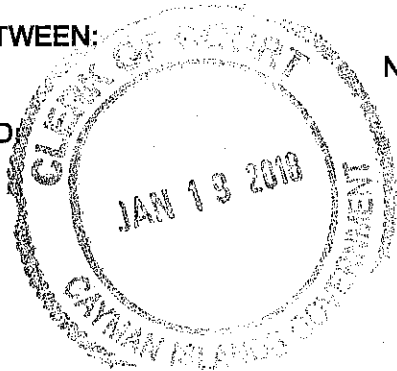
NORMA WILLIAMS-SEYMOUR

PLAINTIFF

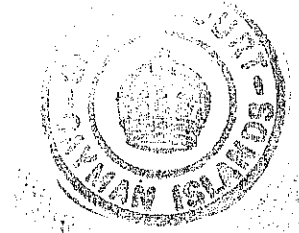
AND

ROSE BARTILOW

DEFENDANT



WRIT OF SUMMONS



TO: Rose Bartilow  
72 Poinciana Lane  
West Bay  
Grand Cayman

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff of Lower Valley, 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 495, 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 19<sup>th</sup> day of January 2018

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  
236 Eastern Avenue  
P.O. Box 74  
Georgetown  
Grand Cayman  
KY1-1102

## STATEMENT OF CLAIM

1. At all material times the Plaintiff was the driver of a Chevrolet Avalanche registration number 119101.
2. The Defendant was the driver of a Hyundai i10, registration number 144171.
3. On 20 January 2015, the Plaintiff was sitting in the driver's seat of her vehicle whilst it was stationary at the junction of Corrella Drive and Shamrock Road. The Plaintiff was intending to turn into Shamrock Road.
4. Whilst the Plaintiff's vehicle was stationary at the junction, suddenly and without warning, the Defendant, proceeding from George Town, Grand Cayman, along Shamrock Road, lost control of her vehicle and collided with the passenger side of the Plaintiff's vehicle.
5. The Plaintiff understands that at all material times the Defendant was insured to drive his vehicle under an insurance policy incepted with British Caymanian Insurance Company Limited. It is also understood by the Plaintiff that this insurance policy covered the Defendant's vehicle in accordance with the Motor Insurance (Third Party Risks Law).
6. The accident was caused by the negligence of the Defendant.

### Particulars of negligence

7. The Defendant was negligent in that she:
  - a) drove too fast in the circumstances;
  - b) failed to keep any or any proper look out;
  - c) failed to adequately control his vehicle;
  - d) failed to see the vehicle occupied by the Plaintiff in time or at all;
  - e) failed to apply his brakes in time or at all;
  - f) *res ipsa loquitur*
8. By reason of the aforesaid, the Plaintiff has suffered personal injury, loss and damage.

### Particulars of General Damage

9. The Plaintiff's date of birth is 7 April 1954 and she is currently 63 years old.
10. Upon impact, the Plaintiff was immediately aware of receiving a jolt to her body.
11. An ambulance attended the scene shortly after the accident at which point the Plaintiff was provided medical treatment. The Plaintiff suffered a haematoma to her left elbow and severe pain in her left leg. The Plaintiff also suffered a period of significantly high blood pressure following the accident which caused a prolonged feeling of dizziness and unsteadiness whilst standing.

12. The Plaintiff was subsequently diagnosed with osteoarthritis in her left leg. The Plaintiff maintains that the osteoarthritis suffered in her left was either caused or accelerated by the accident. She did not suffer with any pre-accident medical conditions which caused pain in her legs.
13. Thereafter, the Plaintiff attended a chiropractor in order to seek treatment.
14. More recently, the Plaintiff has also had x-ray images taken of her left leg at Health City, Grand Cayman, following which she was diagnosed with osteoarthritis.
15. In addition to pain, suffering and loss of amenity, the Plaintiff also pursues claims for medical treatment costs, care and assistance, travel expenses, medication costs and additional vehicle repairs which will be particularized in due course.

**Particulars of Special Damage**

16. 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.
17. The Plaintiff will claim interest pursuant to section 34 of the Judicature Law (as Revised).

**AND THE PLAINTIFF claims:**

1. General and Special Damages;
2. Interest in accordance with the Judicature Law (as Revised); and
3. Costs



**McGrath Tonner**

**Attorneys for the Plaintiff**

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PLAINTIFF

AND:

ROSE BARTILOW

DEFENDANT

**SCHEDULE OF SPECIAL DAMAGES**

The Plaintiff will provide a full Schedule of Loss to particularise all special damages to the date of trial in due course.

The Plaintiff will pursue future claims for medical treatment costs, care and assistance, travel expenses, medication costs and additional vehicle repairs

**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**

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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AND:

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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 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.

McGrath Tonner  
Attorneys at Law  
5<sup>th</sup> Floor Genesis Building  
Genesis Close  
PO Box 446  
George Town  
Grand Cayman  
Attn: Michael Waugh

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

