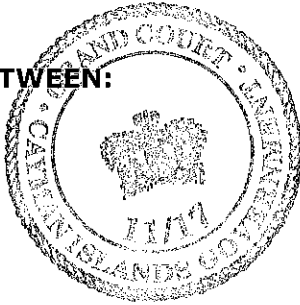


**IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION**

CAUSE NO: **156** OF 2018

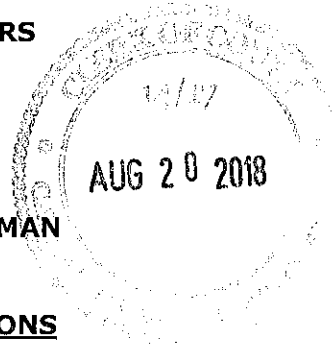
BETWEEN:



ERICLYN RIVERS

PLAINTIFF

AND:



MICHAEL KELLYMAN

DEFENDANT

WRIT OF SUMMONS

TO:

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of 121 Longfellow Circle, Bodden Town, 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 **20** day of August 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:

Caribbean Alliance Insurance Company Limited
203 Alissta Towers
85 North Sound Road
PO Box 1762
Grand Cayman
KY1-1109

STATEMENT OF CLAIM

1. At all material times, the Plaintiff was a pedestrian and the Defendant was the driver of a Toyota Premio registration number 168 428.
2. On the 11 February 2018, the Plaintiff was crossing West Bay Road, Grand Cayman in order to attend her place of employment at the Westin. Traffic had stopped to allow her to cross the Northbound lane and she had done so. As the Plaintiff continued to cross the road, the Defendants vehicle was entering the main road, turning right from the Westin. The Defendant proceeded with his turn, entered the centre lane and struck the Plaintiff.
3. The Plaintiff was knocked to the ground and injured by the vehicle driven by the Defendant.
4. At all material times the Defendant's vehicle was insured with Caribbean Alliance Insurance Company Limited 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 accident was caused by the negligence of the Defendant in that he;
 - 5.1 failed to keep any or any proper look out;
 - 5.2 failed to adequately control his vehicle;
 - 5.3 failed to see the Plaintiff in time or at all;
 - 5.4 failed to apply his brakes whether in time or at all;
 - 5.5 failed to stop, slow down, swerve or otherwise manage to control his vehicle to avoid the aforesaid collision
 - 5.6 res ipsa loquitur
6. By reason of the aforesaid, the Plaintiff has suffered personal injury, loss and damage.

Particulars of General Damage

7. The plaintiff's date of birth is the 11 January 1957 and at the date of the accident she was 61 years old.
6. The Plaintiff was immediately aware of pain in her left hand and wrist and to her knee. She attended the Accident and Emergency Department at George Town Hospital.
7. She underwent x-rays of her wrist and right knee. She was diagnosed as having suffered a fracture of the distal radius. Her wrist was placed in a back slab and she prescribed pain relieving medication and referred for orthopaedic follow up.
8. She remained in plaster for 6 weeks and attended with Dr Pekko for follow up.
9. She was provided with sick notes up to the 31 August 2018.
10. She was referred to Dr Herzig and underwent an MRI scan which confirmed a torn ligament, Dr Herzig was concerned she may require an operation but referred her for intensive physiotherapy to try and avoid this.

11. The Plaintiff continues to suffer from her injuries and is unable to work.

Particulars of Special Damage

12. The Plaintiff's particulars of special damage will be forwarded in due course by way of a Schedule of Loss including but not limited to claims for cost of medical treatment, loss of earnings, gratuitous care and a subrogated claim on behalf of her health insurers.

Statement as to Interest

19. The Plaintiff will claim interest pursuant to section 34 of the Judicature Law (2017 Revision) at half the rate as prescribed under the Judgment Debts (Rates of Interest) Rules (as amended) from the 11 February 2018 to Trial.

AND THE PLAINTIFF claims:

1. General and Special Damages
2. Interest in accordance with the Judicature Law (2017 Revision)
3. Costs



**KSG Attorneys-at-Law
Attorneys for the Plaintiff**

**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 2018

BETWEEN:

ERICLYN RIVERS

PLAINTIFF

AND:

MICHAEL KELLYMAN

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

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.

KSG Attorneys-at-Law
4th Floor Harbour Centre
42 North Church Street
PO Box 2255
George Town
KY1-1107
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.

[Empty box for defendant's attorney indorsement]