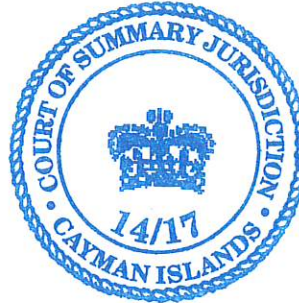


IN THE SUMMARY COURT AT GEORGE TOWN

CAUSE NO. SC 246 OF 2018

BETWEEN:

AISHA MORGAN

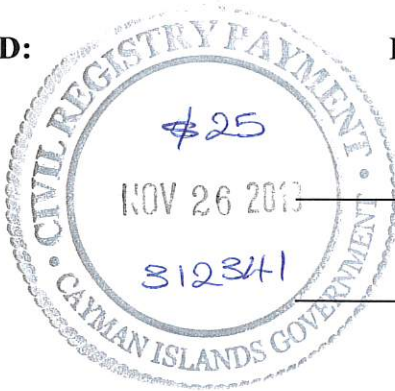


PLAINTIFF

AND:

KASCHEF PINNOCK

DEFENDANT



PLAINT



To the Defendant

Apt # 1, 58 Nickel Lane,  
West Bay,  
Grand Cayman

**THIS PLAINT** 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 service of this Complaint on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO Box 495, George Town, Grand Cayman KY1-1106, Cayman Islands, the accompanying Acknowledgment of Service form stating therein whether you intend to contest this action. If you intend to defend the action, in whole or in part, you must set out **full particulars of your defence** in the space provided in the Acknowledgement of Service form.

**If you fail** to satisfy the claim or fail to return the Acknowledgement of Service form containing full particulars of your defence, the Plaintiff may apply for a **Default Judgment** without any further notice to you.

Issued day 26 of November 2018

See overleaf for particulars of the Plaintiff's claim

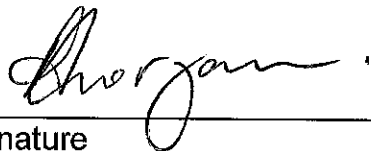
## PARTICULARS OF CLAIM

(Here set out in numbered paragraphs, the grounds upon which the Plaintiff claims that the Defendant is indebted to her or is liable to pay damages to her).

1. On 28<sup>th</sup> of April 2017 the Plaintiff driving a silver Honda vehicle was involved in an accident with the Defendant driving a silver BMW vehicle on Parkview Crescent Drive in West Bay. The Defendant failed to observe and comply with a stop sign and as a result collided with the Plaintiff silver Honda vehicle.
2. The Plaintiff received an Analysis of Collision report from Vehicle Solutions Grand Cayman whom performed the investigation of the collision involving the Plaintiff and Defendant, with the results stating the Defendant is at fault. Please see the attached.
3. The Defendant had no insurance on his silver BMW vehicle and the Defendant should have to reimburse the Plaintiff with the cost of his vehicle as it has been written-off / totalled

AND the Plaintiff claims:

- 1 The sum of CI\$ 6,500.00
- 2 Fixed costs of \$150.00 + \$75.00 filing fee and Bailiff alternatively costs to be assessed.



\_\_\_\_\_  
Plaintiff's Signature

Plaintiff's address for service

**Name:** AISHA MORGAN  
**Address:** P.O. BOX 31334 SMB  
GRAND CAYMAN, KY1-1206  
CAYMAN ISLANDS

# VEHICLE SOLUTIONS

Crash Analysis, Inspections, Radars and more

## Analysis for Collision Involving Honda Airwave 164 472 and BMW 525i 121 552

**Date / Time Collision / Incident Occurred:** 28/04/17 at approx 3:45PM

**Requesting Dept./Officer:** ICWI / Charles

**Reason for Inspection:** Post Crash Analysis

**Report Date:**

**Ref:**

### Finding

#### Section 1 At the Scene

This collision occurred at the stop sign controlled junction at Parkview Crescent and Mount Pleasant Road in West Bay with the stop sign controlling the flow of traffic onto Parkview Crescent.

This collision occurred when the Honda Airwave was travelling on Parkview Crescent when there was a utilities van parked on the left side of the road which caused it to go around the van as there was no vehicle approaching in the opposite direction when the BMW pulled out from the stop sign and collided with the front of the Honda.

The location of the utilities van the final rest of both vehicles are shown in the photos taken at the scene and submitted.

#### Honda Airwave

The Honda Airwave received contact damages to the right front corner as shown in the photos in this report.

Reviewed the completed claim form with statement and sketch.

The driver stated that he was approaching the Mount Pleasant Rd junction where he intended to turn right, but there was a Flow van parked partly in the road and that he looked to make sure that it was no cars coming and clear for him to maneuver around the truck with his right indicator on, and came almost to a complete stop to make the turn. Another vehicle made a left turn and came round the corner without stopping at the stop sign and ran head on into his vehicle.

#### BMW 525i

The BMW received contact damages to the front end as shown in the photos from the collision.

Reviewed the completed claim form with statement and sketch.

The driver states in his written statement that "I was moving off from the stop sign at Parkview Rd in West Bay. Where I looked to the right side of the intersection as I moved off from to go around the corner". It was only after he was alerted by his passenger that he recognized that there was a vehicle to his left and the collision occurred.

The driver of the BMW only looked to his right at the junction and should have looked to his left also before proceeding from the stop sign as he was turning left which caused him not to see the Honda which was to his left as shown in the at scene photos.

Visited the scene to assess the layout of the junction.

### Conclusion

This collision occurred as a result of the driver of the BMW failing to ensure the way was clear before moving off from the stop sign controlled junction as he only looked to his right before moving off but turning to his left and colliding with the vehicle as stated in his written statement.

The driver states in his written statement that "I was moving off from the stop sign at Parkview Rd in West Bay. Where I looked to the right side of the intersection as I moved off from to go around the corner". It was only after alerted by his passenger that he recognized that there was a vehicle to his left and the collision occurred.

A careful, reasonable and prudent driver when approaching a junction controlled by a STOP sign should look both to his left and right to make sure that the way is clear before moving off from the stop sign as they may be pedestrians, cyclists or other motorist's approaching or be a hazard.

The current road code states in section 3.10 that

**3.10 DO NOT:**

- » assume the vehicle approaching from the right and signaling left will actually turn. Wait and make absolutely sure;
- » cross or join a road until there is a gap large enough for you to do so safely;
- » use your horn when approaching horse riders and before executing any turn, as this could startle the horse.

**ALWAYS** look to your right and left before turning onto the roadway. Make absolutely sure there is sufficient room before proceeding.

For the Honda driver who is travelling on the main road where there is an obstruction in his path his duty as a careful, reasonable and prudent driver is to make sure that there are no vehicles coming from the opposite direction before attempting to pass the hazard which in this case was done as there was no on coming vehicles on the main road.

Therefore the driver of the BMW would be at fault for this collision as he is moving off from the stop sign and failed to ensure that the way was clear both to the left and right before doing so.

C. Redden

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Collin Redden  
Radar Expert, Accident Reconstructionist,  
Post Crash Vehicle Inspector, Crash Analyst  
Expert Witness, ARC/CSI Member # 1525  
CDR Technician Level 2, NAPARS Member

Section 1  
At Scene



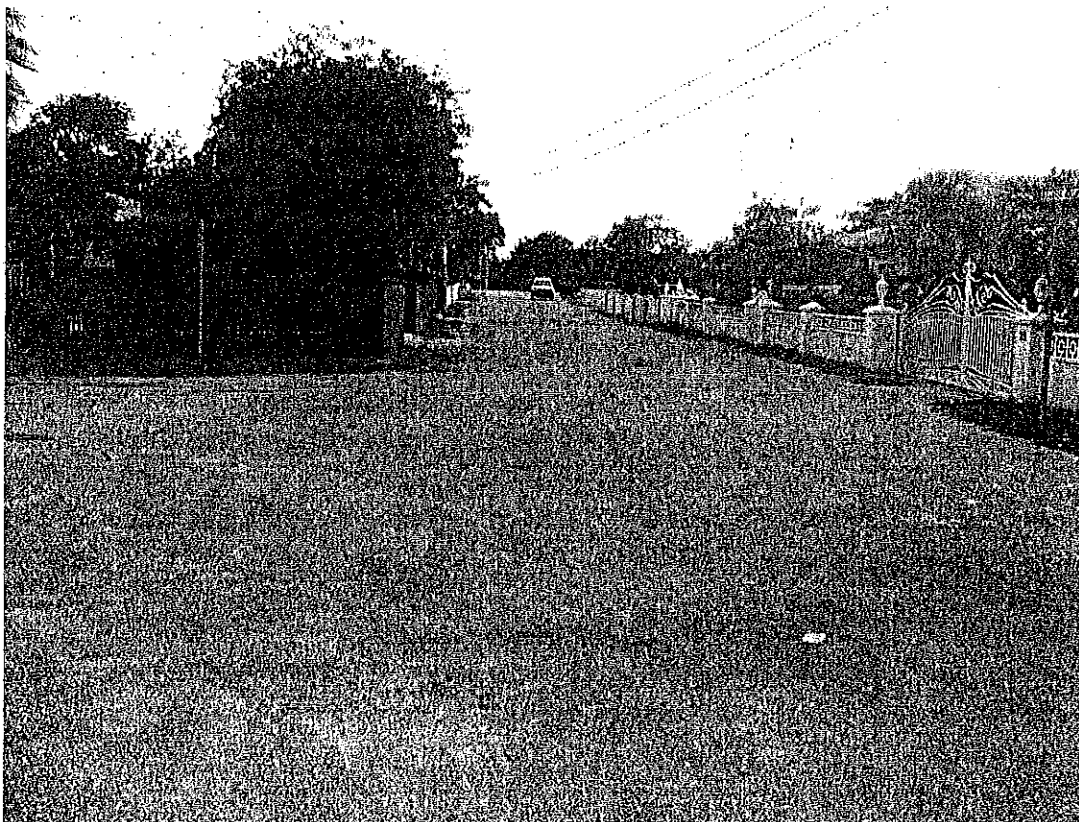
Pic showing the scene at the stop sign controlled junction with both vehicles at final rest. The BMW is pulling out from the stop sign controlled junction and the Honda is passing a stationary work van.



Pic showing the view from the stop sign controlled junction where the BMW is pulling out from when it collided into the passing Honda who is on the main road. The fence to the left of the BMW at the junction causes an obstruction in the line-of sight from the driver of the BMW who should proceed slowly as they attempt to pull out from the stop sign junction to ensure that the way is clear.



Pic showing the view looking from the Parkview Crescent onto the stop sign controlled junction on Mount Pleasant Road where the BMW is pulling out from and turning left when the collision occurred. The driver of the BMW stated in his written statement on his claim form that he was moving off from the stop sign where he looked to the right side of the intersection as he moved off to go around the corner.



Pic showing the scene visit at the junction. The stop sign is located at the junction where Mount Pleasant Rd meets Parkview Crescent indicating that the traffic should stop and ensure it clear before turning onto Parkview Crescent.

**IN THE SUMMARY COURT AT GEORGE TOWN**

**CAUSE NO. SC \_\_\_\_ OF 2018**

**BETWEEN:**                      AISHA MORGAN    PLAINTIFF

**AND:**                                KASCHEF PINNOCK    DEFENDANT

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**ACKNOWLEDGEMENT OF SERVICE**

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1     State Defendant's name and address –

2     State whether the Defendant intends to contest the action.

Yes

No

3     If you do not intend to contest the action, do you want time in which to pay the claim?

Yes

No

4     If you do intend to contest the action, in whole or in part, you must set out full particulars of your defence overleaf.

**Service of the Plaintiff is acknowledged accordingly.**

\_\_\_\_\_  
Defendant's Signature

DATED this     day of                      2018

**See Overleaf**

**PARTICULARS OF DEFENCE**

\_\_\_\_\_  
Defendant's Signature

REMINDER – This form must be taken or send to the Court Office, P.O. Box 495 George Town, Grand Cayman KY1-1106 within 14 days of receipt