

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

CAUSE NO: 98 OF 2019
LEGAL AID NO: LACV 0080/2019

BETWEEN:

ANTHONY CHAMBERS

PLAINTIFF

AND:

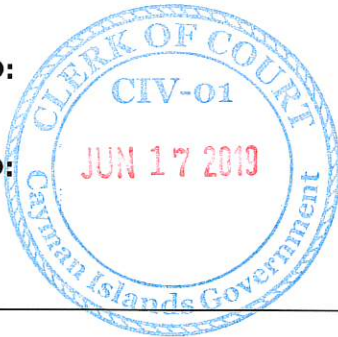
SEAN COOMBS

FIRST DEFENDANT

AND:

TREVOR WATKINS

SECOND DEFENDANT



WRIT OF SUMMONS

TO: The First Defendant
Sean Coombs

And To: The Second Defendant
Trevor Watkins

And as a Noticed Party To: Saxon Motor & General Insurance Company Ltd
14 Saturn Close
Eastern Avenue
P.O. Box 1094
Grand Cayman KY1-1102

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of 154 Stilwell Road, Belford Estates, Bodden Town, P.O. Box 2534, KY1-1104, 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 17th day of June 2019

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.

This Writ and Statement of Claim is issued by KSG Attorneys at Law whose address for service is 4th Floor, Harbour Centre, 42 North Church Street, George Town, Grand Cayman. P.O. Box 2255 GT, KY1-1107. Chambers v Coombs & Watkins

STATEMENT OF CLAIM

1. At all material times the Plaintiff was the owner and driver of a Honda Civic motor car bearing registration number 77 143.
2. The First Defendant was at all material times the owner and driver of a Toyota Hilux motor vehicle bearing registration number 131 629 which was towing a trailer owned by the Second Defendant. The First Defendant is an employee of the Second Defendant and at all material times, the First Defendant was acting in the course of his employment. The Second Defendant is vicariously liable for the negligence of the First Defendant.
3. On 18 June 2016, the Plaintiff was driving along Shamrock Road, Spotts-Newlands in a westerly direction towards George Town. The First Defendant's vehicle, with the trailer attached, was travelling in the opposite direction. Upon reaching the vicinity of the Ocean Club Condominiums, the First Defendant lost control of the said Toyota Hilux motor vehicle and swerved into the path of the Plaintiff's motor vehicle, causing a collision.
4. The accident was caused by the negligence of the First Defendant in the course of his employment with the Second Defendant.

Particulars of negligence

5. The First Defendant was negligent in that he:
 - (a) failed to keep any or any proper look out;
 - (b) failed to see the Plaintiff in time or at all;
 - (c) failed to apply his brakes whether in time or at all;
 - (d) failed to steer or control his vehicle so as to avoid the said collision;
 - (e) failed to maintain his vehicle within his own lane;
 - (f) towed a trailer which was overloaded and/or exceeded the towing capacity of his vehicle;
 - (g) installed the wrong size ball on the towing hitch of the trailer;
 - (h) failed to properly secure the trailer to his vehicle.
6. The Plaintiff will rely on the doctrine of res ipsa loquitur.
7. By reason of the aforesaid, the Plaintiff has suffered personal injury, loss and damage.

Particulars of Injury

8. The Plaintiff, whose date of birth is 31st March 1981, was 35 years old at the date of the accident.

9. Upon impact, the First Defendant's vehicle, with the trailer attached to it, was lodged on top of the Plaintiff's vehicle, crushing it. The Plaintiff was trapped in his vehicle and was unconscious for a period of time. The Plaintiff had to be cut out of his vehicle by the fire brigade. He was transported by ambulance to the Accident and Emergency Department at George Town Hospital. Upon regaining consciousness at the George Town Hospital, he was immediately aware of excruciating pain all over his body.
10. The Plaintiff sustained the following injuries:
 - (a) concussion
 - (b) loss of consciousness
 - (c) left clavicle fracture
 - (d) right elbow fracture
 - (e) fracture of right olecranon
 - (f) right traumatic hip dislocation
 - (g) right foot fracture
 - (h) comminuted fracture of the right ankle
 - (i) fracture of the right heel bone
 - (j) contusion of the left lung
 - (k) osteoarthritis of the right ankle and foot
 - (l) achilles tendinitis in right leg
 - (m) multiple soft tissue injuries
11. The Plaintiff has had three surgeries at George Town Hospital in relation to his injuries. He has had further surgeries at the Centre for Orthopaedic Research and Education in the United States and continues to undergo treatment for his injuries.
12. Further particulars of the Plaintiff's injury and treatment will be provided at a later date by way of a schedule of damages.

Particulars of Special Damage

13. The Plaintiff has suffered loss and incurred expenses as a result of the accident.
14. The Plaintiff's particulars of special damage will be supplied at a later date by way of a schedule of damages including but not limited to claims for cost of medication, loss of earnings, travel and gratuitous care.

Statement as to Interest

15. 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 18 June 2016 to trial.

AND THE PLAINTIFF CLAIMS:

1. General Damages;
2. Special Damages;
3. Interest in accordance with the Judicature Law (2017 Revision);
4. Costs;
5. Such further or other relief that his Honourable Court deems just.

KSG

**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.

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ANTHONY CHAMBERS

PLAINTIFF

AND:

SEAN COOMBS

FIRST DEFENDANT

AND:

TREVOR WATKINS

SECOND 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

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.

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]