

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION



CAUSE NO. 82 OF 2020

BETWEEN

ADRIANA DE OLIVEIRA

PLAINTIFF

AND

LIVIA O. KWONG

DEFENDANT



WRIT OF SUMMONS



TO: Livia O. Kwong
77 Sound Road, No. 29
George Town
Grand Cayman

AND TO: Island Heritage Insurance Company, Ltd.
Island Heritage House
128 Lawrence Boulevard
P.O. Box 2501
Grand Cayman KY1-1104

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claims set out herein.

Within 14 days after 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 GT, George Town, Grand Cayman, Cayman Islands the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement of Service within the time stated, or if you return the Acknowledgement 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 day of May 2020

NOTE – This Writ may not be served later than 4 calendar months beginning with that date unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgement of Service are given with the accompanying form.

ENDORSEMENT

The Plaintiff's claims arise from a motor vehicle accident that took place on 13 May 2017, which occurred as a result of the negligence of the Defendant. The Plaintiff was driving a Silver Hyundai I-10 north on South Church Street, Grand Cayman, when the Defendant, travelling south in a green Nissan X Terra SUV, crossed over the central road markings and into the Plaintiff's lane, which resulted in a head-on collision. The impact pushed the Plaintiff's vehicle backwards into a White Honda Accord that was travelling behind her in the north bound lane. The Plaintiff's vehicle received major damage. The Plaintiff sustained serious injuries and was taken to George Town Hospital via ambulance. The Plaintiff suffered injuries, including, but not limited to, her left knee, left leg, left wrist, back, neck and head.

The Defendant is liable to the Plaintiff for pain, suffering and loss of amenity caused by her negligent driving, including, but not limited to, failing to obey the rules of the road, driving without the due care and attention of a reasonably prudent driver and breaching her duty of care to the Plaintiff by driving whilst under the influence of alcohol.

Further, the Claimant claims interest under s. 34 of the Judicature Law (2017 Revision) on the amount found to be due to the Claimant at such rate and for such period as the court thinks fit.

The Plaintiff claims:-

1. Damages;
2. Interest pursuant to s. 34 of the Judicature Law (2017 Revision) and regulations thereto;
3. Costs; and
4. Further and/or other relief as this Court deems fit.

DATED this 12th day of May 2020

Bedell Cristin Cayman Partnership

**BEDELL CRISTIN
PLAINTIFF'S ATTORNEY-AT-LAW**

**DIRECTIONS FOR ACKNOWLEDGEMENT
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.
2. After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman, Cayman Islands.
3. 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.

4. 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 28 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 2020

BETWEEN

ADRIANA DE OLIVEIRA

PLAINTIFF

AND

LIVIA O. KWONG

DEFENDANT

**ACKNOWLEDGEMENT
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) judgment entered by the Plaintiff (tick 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.

Bedell Cristin
Attorneys-at-law
53 Market Street, Suite 3211
Camana Bay
Grand Cayman, KY1-1104
Cayman Islands
Tel: (345) 949-0488
Fax: (345) 949-0364
Email: Richard.Parry@bedellcristin.com

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