



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION

CAUSE No.

of 2020

BETWEEN:

CAROLINE ELIZABETH BARNES

Plaintiff

-AND-

VINTON BERNARD SERVICE

Defendant

WRIT OF SUMMONS

TO: VINTON BERNARD SERVICE

35 Melrose Lane
George Town
GRAND CAYMAN
CAYMAN ISLANDS

AND TO: SAXON MOTOR & GENERAL INSURANCE COMPANY LTD.

Saxon Centre
14 Saturn Close
Eastern Avenue
PO Box 1094
GRAND CAYMAN KY1-1102
CAYMAN ISLANDS

THIS WRIT OF SUMMONS 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 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 12th day of October 2020.

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

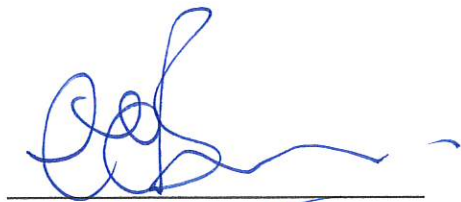
Directions for Acknowledgment of Service are given with the accompanying form.

GENERAL INDORSEMENT

The Plaintiffs' claim is for (please see Statement of Claim attached):

- (1) Damages and loss arising out of personal injuries sustained by the Plaintiff on 13th October 2017 in a road traffic accident on the roundabout at the intersection of Crewe Road and the Old Crewe Road, Grand Cayman. Full and further particulars whereof are set out in the attached Statement of Claim.
- (2) Interest thereon pursuant to the Judicature Law (2007 Revision) and the Grand Court Rules (1995 Revision) and
- (3) Costs

Dated this 12th day of October 2020



CAROLINE ELIZABETH BARNES
The Plaintiff

This Writ was issued by Caroline Elizabeth Barnes, the Plaintiff whose address for service is 116 Northward Road, Bodden Town, Grand Cayman – PO Box Suite 554, Camana Bay KY1-9006

Acknowledgement of service of writ of summons (0.12, r.3)

**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 2020

BETWEEN:

CAROLINE ELIZABETH BARNES

Plaintiff

-AND-

VINTON BERNARD SERVICE

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).....

Defendant / Attorney for the Defendant

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

Caroline Elizabeth Barnes
116 Northward Road
Bodden Town
Grand Cayman

PO Box Suite 554
Camana Bay KY1-9006
E: cebuk@hotmail.com
T: 322-3873

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

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION

CAUSE No.

of 2020

BETWEEN:

CAROLINE ELIZABETH BARNES

Plaintiff

-AND-

VINTON BERNARD SERVICE

Defendant

STATEMENT OF CLAIM

1. On 13th October 2017 the Plaintiff was the driver of a green Toyota Rav4 motor vehicle with registration mark 165 903 travelling on the Kings Roundabout on the Crewe Road heading toward the Old Crewe Road exit.
2. At or about 16:50hrs the Defendant driving a blue Honda Orthia motor vehicle registration mark 177 359 approached the said Kings Roundabout along the Crewe Road heading towards George Town and collided with the Plaintiff's vehicle on the said roundabout resulting in a road traffic accident.
3. The said accident was caused by the negligence and or breach of a common law duty of care of the Defendant.

PARTICULARS OF NEGLIGENCE and or BREACH OF DUTY

The Defendant,

(a) Failed to give way to the Plaintiff on the roundabout;

3. Out of pocket expenses for painkilling and anti-inflammatory medication to date (to be confirmed and continuing)

AND THE PLAINTIFF claims:

1. General damages to be assessed
2. Special damages to date and continuing
3. Interest thereon pursuant to the Judicature Law (2007) Revision or at such rate and for such time as the Court shall deem fit
4. Costs
5. Such further and/or other relief as may be just

Dated this 12th October 2020



CAROLINE ELIZABETH BARNES

The Plaintiff herein

To: The Defendant

And to: Saxon Motor & General Insurance Company Ltd.



THE FAMILY PRACTICE

SMITH ROAD PLAZA #4 | P.O. BOX 10119 GRAND CAYMAN, KY-HOOI | PHONE: 345-945-6077 | FAX: 345-949-0531

Saxon Insurance Company,
Saturn Close,
George Town,
Grand Cayman.

8/24/2020

Dear Sir/Madam,

Re: Caroline Barnes,
DOB: 09/19/1964
Medical Report

I am the Primary Care Physician of the above patient and have been involved in Ms. Barnes' medical care since her MVA on the 13th October 2017. I wrote a report on the 12th Feb 2020, giving an update at that time, however over the subsequent 6 months I have had access to more medical records and X-Ray reports that were ordered by another Physician and would like to write an update on Ms. Barnes' clinical condition taking this information into account.

As you are aware, she was in a vehicle that was hit by another vehicle at the Kings Roundabout on Old Crewe Road.

She first visited my office on the 16th October 2017 with neck and shoulder pain, which had started shortly after the accident and was not a symptom she had experienced before. I performed a cervical spine X-ray, which was reported as no acute fracture but with advanced spondylosis present, so a C. Spine MRI was ordered for clarification. This confirmed that there was no acute fracture or dislocation, so she was referred for physiotherapy and prescribed appropriate medications. Over the subsequent few weeks, despite treatment, her neck continued to cause her pain, so she was referred to the neurosurgeon for further review and treatment.

The Neurosurgeon diagnosed a significant soft tissue injury at the level of C4/5. In comparing the X-ray and MRI images, he was concerned about instability at this level, which he determined was present on the plain C spine X-Ray but reduced when Ms. Barnes was made supine for the MRI. Flexion/extension X-rays of her neck were then ordered. These were suggestive of a micro-instability at C4/5 as the cause of her continued pain. This was treated conservatively with aggressive neck strengthening, dry needling and deep massage.



THE FAMILY PRACTICE

SMITH ROAD PLAZA #4 | P.O. BOX 10119 GRAND CAYMAN, KYI-1001 | PHONE: 345-945-6077 | FAX: 345-949-0531

2/12/2020

Saxon Insurance Company,
Saturn Close,
George Town,
Grand Cayman.
Fidelity Financial Centre
1 Gecko Link, West Bay Road,
George Town,

Dear Sir/Madam,

Re: Caroline Barnes,
DOB: 09/19/1964
Medical Report

I am the Primary Care Physician of the above patient and have been fully involved in Ms Barnes' medical care, since her MVA on the 13th October 2017.

As you are aware, she was in a vehicle that was hit by another vehicle at the Kings Roundabout on Old Crewe Road.

She first visited my office on the 16th October 2017 with neck and shoulder pain, which had started shortly after the accident and was not a symptom she had experienced before. I performed a cervical spine X-ray, which was reported as no acute fracture but advanced spondylosis present, so an MRI was ordered for clarification. This confirmed no acute bony injury, so I referred her for physiotherapy and prescribed appropriate medications. Over the following few weeks, despite treatment, her neck pain did not improve very much, so she was referred to the neurosurgeon Dr Stanley for further review and treatment.

Dr Stanley diagnosed a significant soft tissue injury at the level of C4, which is in keeping with an injury sustained during an MVA. He offered alternative therapies, however Ms Barnes opted to continue with her conservative treatment and wishes to avoid more invasive treatments, if at all possible.

Over the subsequent few months, with gentle exercise, stretches, swimming and deep tissue massage, the pain started to ease.

Currently, 2 years after the accident, Ms Barnes is still not completely pain free. She has to make adjustments in her lifestyle to manage- for example, she is unable to sit in one position for too long and has to get up and walk around to avoid a stiffness setting in. She continues to use pain medications as needed.

Whilst I do believe she will continue to improve, I think the injury sustained at the time of