



**ENDORSEMENT**

The Plaintiff claims against the Defendant to recover damages for Personal Injuries in that the Defendant so negligently drove and operated Honda Accord motor vehicle bearing registration #9160 489 along South Church Street, George Town, Grand Cayman, on or about the 13<sup>th</sup> day of February 2018, that he caused the same to violently collide into the rear of the Plaintiff's Subaru Tribeca motor vehicle bearing registration tag number 139 912 and thereby causing the Plaintiff severe injuries, loss and damage.

Dated the 9<sup>th</sup> day of December 2020



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Murray & Westerborg  
Plaintiff's Attorneys-at-Law

**THIS WRIT** was issued by Murray & Westerborg, Attorneys-at-Law, for and on behalf of the Plaintiff, whose address for service is that of her said Attorneys-at-Law, The Second Floor (South West Wing) Cayman Shipping Centre Building, 10 Shipping Lane, George Town, Grand Cayman.

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

***CAUSE NO. OF 2020***

***BETWEEN DONETTE HAMILTON WALKER***

***PLAINTIFF***

***AND NIGEL STEWART***

***DEFENDANT***

***STATEMENT OF CLAIM***

1. The Plaintiff is a resident of the Cayman Islands employed at all material times employed as care giver and the owner-driver of Subaru Tribeca motor vehicle bearing registration number 139 912.
2. The Defendant is a resident of the Cayman Islands and was at all material times the driver of Honda Accord motor vehicle bearing registration tag number 160 489 insured by Island Heritage Insurance Company Ltd.
3. On or about the 13<sup>th</sup> day of February 2018 the Plaintiff was driving her aforesaid motor vehicle along South Church Street, George Town, Grand Cayman in the vicinity of the Cayman Islands Port when the Defendant so negligently drove, managed, controlled and operated the said Honda Accord along the said road that he caused the same to violently collide with the Plaintiff's said motor vehicle.

***Particulars of Negligence***

- (a) Driving too fast in the circumstances
  - (b) Failing to keep any or any proper look-out or to have any or any sufficient regard for other traffic that was or might reasonably be expected to be at the said junction of the roads
  - (c) Failing to observe that the Plaintiffs vehicle was stopped to allow pedestrians to cross the street
  - (d) Failing to see the Plaintiff in time or in sufficient time to avoid the collision or at all
  - (e) Failing to stop, to slow down, to swerve or in any other way so to manage or control the said Honda Accord motor vehicle as to avoid the said collision.
4. By reason of the matters aforesaid, the Plaintiff sustained severe injuries and has suffered loss and damage.

***Particulars of Injuries***

- (a) Neck pain with pain radiating to the left shoulder
- (b) Weakness of the left arm

- (c) Soft Tissue injury of the Cervical spine
- (d) Lower back pain

**Particulars of Special Damages**

(a)	Loss of Income	CI\$ 1,000.00
(b)	Past Medical Expenses	<u>CI\$18,558.60</u>
		CI\$19,558.60

***AND THE PLAINTIFF CLAIMS:***

1. General Damages
2. Past Special Damages (to date of filing and to date of hearing)
3. Future Special Damages
4. Pre-Judgment and Post-Judgment Interest Pursuant to the Judicature Law
5. Costs.

Dated this 9<sup>th</sup> day of December 2020



Murray & Westerborg  
Plaintiff's Attorneys-at-Law

Acknowledgment of service of writ of summons (O.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*

*CAUSE NO.      OF 2020*

*BETWEEN    DONETTE HAMILTON WALKER*

*PLAINTIFF*

*AND            NIGEL STEWART*

*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 judgement being entered against a Defendant whereby he May have to pay the costs of applying to set it aside.**

1. State the name of the Defendant by whom or on whose behalf the service of this Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick the 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 judgement entered by the Plaintiff (tick box).

yes

Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

*Notes on address for service*

*Please complete overleaf*

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 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 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:*

Murray & Westerborg  
Attorneys-at-Law  
2<sup>nd</sup> Floor (South West Wing)  
Cayman Shipping Centre  
10 Shipping Lane  
George Town  
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:*