

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION



CAUSE NO: 26 OF 2021

**BETWEEN:**

**PAUL BLOUNT**

**PLAINTIFF**

**AND:**

**CHRISTOPHER HOWE**

**DEFENDANT**

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**WRIT OF SUMMONS**

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TO: Christopher Howe, of 7 Brock Street, St. Catharines, Ontario, L2N 5CB

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff, of 1340 South Sound Road, P.O. Box 11155, Grand Cayman KY1-1008, Cayman Islands in respect of claims set out on the next page.

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 Courts Office, P.O. Box 495, George Town, Grand Cayman, KY1-1106, 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 Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein any 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 10<sup>th</sup> day of February 2021.

NOTE this Writ may not be served later than 4 calendar months beginning with the date of original issuance unless renewed by order of the Court.

**IMPORTANT**

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

AND as a Notice Party to:

British Caymanian Insurance Co. Ltd  
Britcay House  
236 Eastern Avenue  
P.O. Box 74  
Grand Cayman KY1-1102

### **STATEMENT OF CLAIM**

1. The Plaintiff is and was at all material times the restrained driver of a 2012 Land Rover LR3, registration number 179 209.
2. The Defendant was at all material times the driver of a 2011 Kia Optima registration number 144 534.
3. In and around 1:50pm on 6<sup>th</sup> January 2018 the Plaintiff was travelling along Lime Tree Avenue, towards the West Bay Road. He stopped at the junction waiting for passing traffic to clear. While in a stationary position, the Defendant's vehicle collided with the rear of the Plaintiff's vehicle.
4. At all material times the Defendant's vehicle was insured with British Caymanian Insurance Limited, Britcay House, 236 Eastern Avenue, Grand Cayman, who had issued a policy of insurance relating to the vehicle in accordance with the Vehicle Insurance (Third Party Risks) Law (2012 Revision).

### **PARTICULARS OF NEGLIGENCE**

5. The said accident was caused by the negligence of the Defendant in that he:
  - a. Failed to keep any or any proper look out;
  - b. Failed to drive with due care and attention;
  - c. Failed to have due regard to the safety of other road users;
  - d. Failed to see the Plaintiff's vehicle in time or at all;
  - e. Failed to keep an adequate distance between his vehicle and the Plaintiff's vehicle;
  - f. Failed to apply his brakes whether in time or at all;
  - g. Failed to wear appropriate shoes when driving the vehicle;
  - h. Failed to keep proper control of his vehicle.
6. By reason of the aforesaid, the Plaintiff has sustained personal injury, loss and damage.

### **PARTICULARS OF GENERAL DAMAGE**

7. The accident caused damage to the rear of the Plaintiff's vehicle including damage to the exhaust pipe.
8. The Plaintiff's date of birth is 5 December 1973 and at the date of the accident he was 44 years old.

9. The Plaintiff has suffered injury arising from the accident which includes the following:
  - (a) an acceleration-deceleration injury to his upper back and cervical spine which also caused a mild concussive injury;
  - (b) an exacerbation of a previous traumatic brain injury;
  - (c) Upper back, neck, and lower back pain;
  - (d) Recurrence of left wrist pain and shoulder pain and numbness in the fourth and fifth digits;
  - (e) Recurrence of visual difficulties including photophobia and convergence insufficiency;
  - (f) Headaches, vertigo, decreased focus and an exacerbation of pre-existing Post-Traumatic Stress Disorder symptoms;
  - (g) Lack of concentration and fatigue;
  - (h) Balance difficulties.
10. As a result of the injuries the Plaintiff received treatment by a specialist in neuro-rehabilitation.
11. He received treatment and care from a neuro-optometrist and underwent neuro-optometric rehabilitation therapy.
12. He received treatment and care from a neurologist.
13. He underwent physiotherapy at both Cayman Physiotherapy and Synergy Physiotherapy.
14. At the time of the accident the Plaintiff was a company director. He was unable to return to work on a full time basis for several months.
15. The Plaintiff has suffered a loss of amenities and his quality of life was reduced with substantial limitation of his recreational, social and lifestyle activities. Further particulars of the Plaintiff's injuries will be provided prior to trial.

#### **PARTICULARS OF SPECIAL DAMAGE**

16. The Plaintiff's particulars of special damages will be forwarded in due course by way of a Schedule of Loss including but not limited to claims for costs of medical treatment, travel and expenses for medical assessments and treatment, costs of employment of administrative support in the Plaintiff's business.
17. Full particulars of special damages will be provided in advance of trial.

18. Further, the Plaintiff claims interest upon such damages as may be awarded to him pursuant to section 34 of the Judicature Law (2017 Revision) at such rate and for such period as the Honourable Court may deem fit.

**AND THE PLAINTIFF CLAIMS:**

- a) General Damages;
- b) Special Damages;
- c) Pre-judgment and Post-judgment interest as in accordance with section 34 of the Judicature Law (2017 Revision) as aforesaid;
- d) Further and/or other relief as the Honourable Court shall deem fit; and
- e) Costs

DATED THIS 10<sup>th</sup> day of February 2021



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**PRIESTLEYS**  
**Attorneys for the Plaintiff**

TO: The Clerk of the Court

AND TO: The Defendant

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE  
OF WRIT OF SUMMONS**

1. The accompanying form of *Acknowledgement 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, PO Box 495, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 endorsed on the Writ (i.e. the words “Statement of Claim” appear on the top of page 2). The defence must be served within fourteen (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 endorsed on the Writ, the defence need not be served until fourteen (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 fourteen (14) days after his Acknowledgement, 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 see overleaf**

### Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
2. For the purpose of calculating the period of fourteen (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 authorized to act on behalf of the Company, but the Company can take no further steps in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL HEALTH 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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ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS

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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.

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

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2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)

Yes [ ] No [ ]

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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 [ ]

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Service of the Writ is acknowledged accordingly

(Signed) \_\_\_\_\_

Attorney for

*Please see 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 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.

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

**PRIESTLEYS**  
ATTORNEYS-AT-LAW  
SECOND FLOOR, CARIBBEAN PLAZA  
878 West Bay Road  
PO BOX 30310  
GEORGE TOWN, GRAND CAYMAN  
CAYMAN ISLANDS, KY1-1202

*Endorsement 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 endorsement]