



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

**CIVIL DIVISION**

**CAUSE NO: 42 OF 2021**

**BETWEEN:**

**JENNIFER ELIZABETH VOUSDEN**

**PLAINTIFF**

**AND:**

**GOSSETT LEE HILTON**

**DEFENDANT**

---

**WRIT OF SUMMONS**

---

**TO:** The Defendant  
Gossett Lee Hilton  
45 Kennedy Drive  
George Town  
Grand Cayman

And as a Noticed Party To: Royal Star Assurance Limited  
Cayman Financial Centre  
Dr Roy's Drive  
P.O. Box 2174  
George Town  
Grand Cayman

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff of 15 Kennedy Drive, George Town, Grand Cayman, Cayman Islands 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 495, 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 10 day of March 2021

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.

## **STATEMENT OF CLAIM**

1. At all material times the Plaintiff was a pedestrian walking along Cypros Road, George Town, Grand Cayman.
2. The Defendant was at all material times the driver of a Toyota Tacoma motor vehicle bearing registration number 119 211.
3. At all material times the Defendant was insured to drive the said Toyota Tacoma motor vehicle bearing registration number 119 211 with Royal Star Alliance Insurance Company Ltd which had issued a policy of insurance relating to the vehicle in accordance with the Vehicle Insurance (Third Party Risks) Act.
4. On 13<sup>th</sup> July 2019, the Plaintiff was walking along Cypros Road, George Town, Grand Cayman when the Defendant reversed his vehicle from Kennedy Drive onto Cypros Road and caused it to collide with the Plaintiff, causing the Plaintiff to fall on the said roadway upon impact and rendering the Plaintiff unconscious.
5. The accident was caused by the negligence of the Defendant.

### **Particulars of Negligence**

6. The 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 see, heed or act upon the presence, path or position of the Plaintiff in time or at all;
  - (d) failed to steer or control his vehicle so as to avoid the said collision;
  - (e) colliding with the Plaintiff;
  - (f) driving at a speed which was excessive in the circumstances;
  - (g) failing to take adequate care for the safety of the Plaintiff.

The Plaintiff will also rely on the doctrine of *res ipsa loquitor*.

7. The Defendant was charged with careless driving in relation to the accident. The Defendant was convicted of the charge in the Summary Court on 3<sup>rd</sup> March 2020 and

was fined KYD\$200 or two weeks' imprisonment in default. The Plaintiff intends to adduce in evidence the Defendant's conviction in respect of the charge as it is relevant to the issue of the Defendant's negligence.

8. By reason of the Defendant's negligence, the Plaintiff has suffered personal injury, loss and damage.

#### **Particulars of Injury**

9. The Plaintiff, whose date of birth is 7 May 1954, was 65 years old at the date of the accident.
10. The Plaintiff was rendered unconscious by the impact. She was fitted with a cervical collar, placed on a backboard by emergency medical personnel and transported by ambulance to the Accident and Emergency Department at George Town Hospital. Upon regaining consciousness, she was immediately aware of excruciating pain all over her body.
11. The Plaintiff sustained the following injuries:
  - (a) loss of consciousness (13/15 on the Glasgow Coma Scale)
  - (b) pain and tenderness her upper and lower extremities
  - (c) injury to the head
  - (d) pain in the left hip
  - (e) pain on left side of body
  - (f) soft tissue injuries
12. She was treated at the George Town Hospital and had number further outpatient treatment at George Town Hospital for her injuries.
13. 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**

14. The Plaintiff has suffered loss and incurred expenses as a result of the accident.

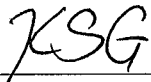
15. The Plaintiff's particulars of special damage will be supplied at a later date by way of a schedule of damages including but not limited to claims for cost of medication, loss of earnings, travel and care.

**Statement as to Interest**

16. The Plaintiff will claim interest pursuant to section 34 of the Judicature Act (2017 Revision) at half the rate as prescribed under the Judgment Debts (Rates of Interest) Rules (as amended) from 13 July 2019 to trial.

**AND THE PLAINTIFF CLAIMS:**

- (a) General Damages;
- (b) Special Damages;
- (c) Interest in accordance with the Judicature Act (2017 Revision);
- (d) Costs;
- (e) Such further or other relief that this Honourable Court deems just.



**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.

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

**CIVIL DIVISION**

**CAUSE NO:            OF 2021**

**BETWEEN:**

**JENNIFER ELIZABETH VOUSDEN**

**PLAINTIFF**

**AND:**

**GOSSETT LEE HILTON**

**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  
4<sup>th</sup> 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]