



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

**CAUSE NO: 226 OF 2021  
LACV0065 of 2021**

**BETWEEN:**

**JUAN VICENTE GIRALDO SANCHEZ**

**PLAINTIFF**

**AND:**

**GARFIELD MATTHEWS**

**DEFENDANT**

**WRIT OF SUMMONS**

**TO:** Garfield Matthews  
2 Lily's Lane, West End, Cayman Brac

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff of 166 West End East Road, Cayman Brac 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 2<sup>nd</sup> day of November 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.

And as a Noticed Party to:  
Cayman First Insurance  
Cayman First Centre  
17 Vibert Bodden Drive  
George Town  
Grand Cayman

## **STATEMENT OF CLAIM**

1. At all material times the Plaintiff was the rider of a Huffy bicycle, and the Defendant was the driver of a Ford F150 truck registration 76 306.
2. On the 14 November 2020 at approximately 5.10pm, the Plaintiff was travelling on the left side of West End Road East, Cayman Brac in an Easterly direction and the Defendant was driving in the same direction. The Defendant drove into collision with the Plaintiff causing him to fall off his bicycle and onto the left of the roadway sustaining injury.
3. At all material times the Defendant's vehicle was insured with Cayman First Insurance Ltd who had issued a policy of insurance relating to the vehicle in accordance with the Motor Insurance (Third Party Risks Law).

### **Particulars of negligence**

4. The accident was caused by the negligence of the Defendant in that he;
  - 4.1 failed to keep any or any proper look out;
  - 4.2 failed to see the Plaintiff's bicycle whether in time or at all;
  - 4.3 failed to adequately or at all to heed or act upon the presence, path, position of the Plaintiff's bicycle;
  - 4.4 failed to apply his brakes whether in time or at all.
5. By reason of the aforesaid, the Plaintiff has suffered personal injury, loss and damage.

### **Particulars of General Damage**

6. The Plaintiff's date of birth is the 8<sup>th</sup> June 1962 and at the date of the accident he was 58 years old.
7. Immediately after the accident, the Plaintiff was taken to Faith Hospital, Cayman Brac by ambulance. He was stabilized and given IV pain medication and fluids and underwent numerous X-rays. A cast was placed on his right lower leg and ankle.
8. He was transferred to George Town Hospital, Grand Cayman by air ambulance for CT scan and specialist consultation.
9. He underwent CT scans of his cervical spine, chest, abdomen/pelvis and brain and was admitted as an inpatient.
10. He was diagnosed as having suffered the following injuries: -
  - Right ankle fractures

- Liver laceration
  - Lung contusions
  - Rib fractures
  - Head Injury
11. He underwent open reduction internal fixation surgery on his right ankle on the 19<sup>th</sup> November 2020.
  12. He remained an inpatient until the 20 November 2020 when he returned to Cayman Brac and Faith hospital for continued care and physiotherapy.
  13. He attended at George Town Hospital to see the Orthopaedic specialist on the 4 December 2020 for follow up, sutures were removed, and he was advised to continue non weight bearing until a boot was available.
  14. He reattended at George Town Hospital to see the Orthopaedic specialist in January 2021 and was advised to return for surgery to remove the hardware from his right ankle in February 2021 which he did.
  15. He attended George Town Hospital for further review on the 5 March 2021, he was provided an ankle stirrup and advised to continue physiotherapy.
  16. The Plaintiff suffers continued significant discomfort in his right leg and walks with a limp. He also suffers from anxiety following the accident.
  17. At the time of the accident the Plaintiff was employed as a handyman/carpenter. He has been unable to return to employment.

### **Particulars of Special Damage**

18. The Plaintiff's particulars of special damage will be forwarded in due course by way of a Schedule of Loss including but not limited to claims for costs of medical treatment, past and future loss of earnings, property damage, travel, gratuitous care and loss of opportunity on the open labor market.
19. The Plaintiff will claim interest pursuant to section 34 of the Judicature Law (2017 Revision) at half the rate as prescribed under the Judgment Debts (Rates of Interest) Rules (as amended) from the 14<sup>th</sup> November 2020 to Trial.

### **Conviction**

20. The Plaintiff intends to adduce evidence that the Defendant was convicted of the offence of careless driving at the Summary Court, George Town because of his driving resulting in the collision.
21. The conviction for careless driving was recorded on 29 July 2021.

22. The conviction is relevant to the issue of the negligent driving of the defendant resulting in the collision.

**AND THE PLAINTIFF claims:**

1. General and Special Damages
2. Interest in accordance with the Judicature Law (2017 Revision)
3. Costs



---

**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  
LACV0065 of 2021**

**BETWEEN:**

**JUAN VICENTE GIRALDO SANCHEZ**

**PLAINTIFF**

**AND:**

**GARFIELD MATTHEWS**

**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]