



BY THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION

CAUSE NO: OF 2022

BETWEEN:

THERESA ANN PATRICIA DIXON

Plaintiff

AND

ELAINE ADAMA MILLWOOD

Defendant

WRIT OF SUMMONS

TO: Elaine Adama Millwood, 145 Greenwood Drive, George Town, Grand Cayman.

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 day of 14 January 2022.

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.

This Writ of Summons and Statement of Claim is issued by Broadhurst LLC, Attorneys-at-Law for the Plaintiff, whose address for service is 4th Floor, Monaco Towers, 54 Edward Street, P.O. Box 2503, Grand Cayman KY1-1104, Cayman Islands.

STATEMENT OF CLAIM

1. At all material times, the Plaintiff, Theresa Ann Patricia Dixon was the owner and driver of a Daihatsu Sirion motor vehicle with registration number 175 594.
2. The Defendant, Elaine Adama Millwood, was at all material times the owner and driver of a Toyota Corolla motor vehicle with registration number 133 996.
3. On or about the morning of August 10th 2021, the Plaintiff was carefully traveling along Shamrock Road in an Easterly direction when she saw a pedestrian crossing the road. As the Plaintiff slowed her vehicle down, she was suddenly and violently rear ended by the Defendant's vehicle.
4. The collision was caused solely by the negligence of the Defendant. The Defendant breached his statutory duties under Sections 67 and 68 of the *Traffic Act 2021*.

PARTICULARS

5. The Defendant was negligent and guilty of breach of the said statutory duties by:
 - a. failing to keep a proper distance;
 - b. driving too fast;
 - c. colliding with the rear of the Plaintiff's vehicle;
 - d. failing to exercise due care and attention when using the road and to have due regard to the safety of other road users;
 - e. failing to drive in such a manner to have full control of her motor vehicle at all times;
 - f. failing to drive at a speed and in a manner and at a distance from other vehicles as to be able to stop in an emergency without being involved in a collision;
 - g. failing to keep a watch on the road in front of the vehicle being operated;
 - h. failing to manage the vehicle so as to be able to stop within the limit of vision available at any given time;
 - i. distracted by using her mobile while operating her motor vehicle;

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- j. failing to stop, to slow down, to swerve, or do anything to manage or control her vehicle so as to avoid the collision;
 - k. driving at a rate of speed which was too fast in the circumstances;
 - l. failing to keep any or any proper look out;
 - m. failing to see the Plaintiff in time or at all;
 - n. failing to apply her brakes whether in time or at all;
 - o. failing to steer or control her vehicle so as to avoid the said collision; and/or
 - p. failing to exercise reasonable skill and care to be expected of a reasonably skillful and careful driver in the circumstances; and/or
 - q. failing to take reasonable care in all the circumstances.
6. Further or alternatively, the Plaintiff will rely on the doctrine of *res ipsa loquitur* in that the Defendant drove into the rear of the Plaintiff's vehicle.
7. By reason of the Defendant's negligence and breaches of duty, the Plaintiff has suffered serious injuries, losses and extensive damages.

PARTICULARS OF INJURIES

8. Immediately after the collision, the Plaintiff complained of pain in her head and neck and was examined by emergency medical personnel. The Plaintiff attended the Accident and Emergency Department at George Town Hospital for further treatment. The Plaintiff underwent x-ray examination and was prescribed medication.
9. The Plaintiff continues to suffer as a result of the injuries sustained. The injuries include, but are not limited to, the following:
- a. neck injury;
 - b. head injury;
 - c. concussion injury;
 - d. leg injury;
 - e. wrist injury; and
 - f. driver anxiety.

This Writ of Summons and Statement of Claim is issued by Broadhurst LLC, Attorneys-at-Law for the Plaintiff, whose address for service is 4th Floor, Monaco Towers, 54 Edward Street, P.O. Box 2503, Grand Cayman KY1-1104, Cayman Islands.

10. The Plaintiff continues to suffer from her injuries including significant discomfort and pain in her neck and head which radiates over her eyes.
11. At the time of the collision, the Plaintiff was employed as a Janitor. She attempted to return to work post-collision, but she was unable to do so due to aches and pains in her neck and body.
12. Further adverse sequelae cannot be ruled out. Further and better particular of the Plaintiff's injuries will be provided at trial.

PARTICULARS OF SPECIAL DAMAGES

13. The Plaintiff has suffered loss and incurred expenses as a result of the collision which are ongoing. Full 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 loss of income, medical treatment, travel, equipment and gratuitous care, interest and costs. Full particulars of the Plaintiff's special damages and losses, which are continuing, will be provided at trial.

AND THE PLAINTIFF CLAIMS:

- (1) Damages;
- (2) Pre-Judgment interest in accordance with Section 34 of the *Judicature Act* (2017 Revision);
- (3) Post-Judgment interest in accordance with Section 34 of the *Judicature Act* (2017 Revision);
- (4) Costs;

Dated this 14 day of January 2022.



Broadhurst LLC
Attorneys-at-Law for the Plaintiff

This Writ of Summons and Statement of Claim is issued by Broadhurst LLC, Attorneys-at-Law for the Plaintiff, whose address for service is 4th Floor, Monaco Towers, 54 Edward Street, P.O. Box 2503, Grand Cayman KY1-1104, Cayman Islands.

INDORSEMENT AS TO INSURER OF MOTOR VEHICLE

The Plaintiff's claim arises out of the use of a motor vehicle on a public road. The insurer of the vehicle of the Defendant named herein is British Caymanian Insurance Co. Ltd whose address is Britcay House, 236 Eastern Avenue, George Town, PO Box 74, Grand Cayman KY1-1102.

This Writ of Summons and Statement of Claim is issued by Broadhurst LLC, Attorneys-at-Law for the Plaintiff, whose address for service is 4th Floor, Monaco Towers, 54 Edward Street, P.O. Box 2503, Grand Cayman KY1-1104, Cayman Islands.

**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 installments or otherwise.

Notes for Guidance

This Writ of Summons and Statement of Claim is issued by Broadhurst LLC, Attorneys-at-Law for the Plaintiff, whose address for service is 4th Floor, Monaco Towers, 54 Edward Street, P.O. Box 2503, Grand Cayman KY1-1104, Cayman Islands.

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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: OF 2021

BETWEEN:

THERESA ANN PATRICIA DIXON

Plaintiff

AND

ELAINE ADAMA MILLWOOD

Defendant

**ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS**

If you intend to instruct an Attorney to act for you, give him/her 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
[Defendant in Person]
Address for service:

This Writ of Summons and Statement of Claim is issued by Broadhurst LLC, Attorneys-at-Law for the Plaintiff, whose address for service is 4th Floor, Monaco Towers, 54 Edward Street, P.O. Box 2503, Grand Cayman KY1-1104, Cayman Islands.

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 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.

BROADHURST LLC
ATTORNEYS-AT-LAW
54 Edward Street, P.O. Box 2503
George Town, Grand Cayman,
Cayman Islands, KY1-1104

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

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