



AND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2022

ADRENIE MARIE EDWARDS JONES

PLAINTIFF

AMY ROBILLARD

DEFENDANT

WRIT OF SUMMONS

To: Ms Amy Robillard
 PO Box 245
 Grand Cayman, KY1-1004
 Grand Cayman

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of c/o Campbells, 4th Floor, Willow House, Cricket Square, George Town, Grand Cayman in respect of the claim set out in 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, PO Box 495, Grand Cayman, KY1-1106, Cayman Islands, the accompanying Acknowledgement within the time stated, or if you return the Acknowledgement, 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 29th day of April 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 of Acknowledgment for Service are given with accompanying form.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2022

BETWEEN: ADRENIE MARIE EDWARDS JONES PLAINTIFF

AND: AMY ROBILLARD DEFENDANT

STATEMENT OF CLAIM

1. At all material times the Plaintiff was a resident of the Cayman Islands and rear seat passenger in a Kia Sportage motor vehicle registration number 9454RSA being driven by Ms Sherdene Bent ("the Plaintiff's vehicle").
2. At all material times the Defendant was the driver of a motor vehicle registration number Q3571 ("the Defendant's vehicle")
3. On 3 May 2019 at approximately 10.00pm, Ms Bent was driving the Plaintiff's vehicle in a southerly direction on South Church Street, George Town, Grand Cayman and came to a stop at the pedestrian crossing near the Lobster Pot Restaurant to allow a pedestrian to cross the road ("the Accident Location").
4. At the same time, the Defendant was driving the Defendant's vehicle directly behind the Plaintiff's vehicle.
5. As set out in paragraph 3 above, when the Plaintiff's vehicle came to a stop at the Accident Location, the Defendant failed to stop and collided with the rear of the Plaintiff's vehicle ("the Accident").
6. Ms Bent driving the Plaintiff's vehicle was afforded no opportunity to take evasive action and avoid the accident.
7. At the time of the Accident it was nighttime with normal street lighting, the weather was clear and road dry.
8. The collision was caused as a result of the negligence and/or breach of statutory duty of the Defendant, specifically but not exclusively

PARTICULARS OF NEGLIGENCE

- a) The Defendant drove without due care and attention with regard to all the circumstances;
- b) The Defendant failed to retain control of her motor vehicle at all material times;

THIS STATEMENT OF CLAIM was filed by Campbells, Attorneys at Law for the Plaintiff, whose address for service is 4th floor, Willow House, Cricket Square, George Town, Grand Cayman, Cayman Islands Tel: 949 2648 Fax: 949 8613 (Ref. GH)

- c) The Defendant drove too fast in all the circumstances;
- d) The Defendant failed to apply her brakes in time or at all;
- e) The Defendant failed to keep any or any proper lookout;
- f) The Defendant failed to adequately or at all heed or act upon the presence or position of the Plaintiff's vehicle;
- g) The Defendant failed to stop, slow down, swerve or otherwise manage to control her vehicle as to avoid the collision;
- h) The Defendant failed to exercise the degree of skill and care to be expected of the average competent motorist in the circumstances;
- i) The Defendant failed to take adequate care for the safety of the Plaintiff; and/or
- j) The Defendant exposed the Plaintiff to the foreseeable risk of injury.

BREACH OF STATUTORY DUTY

- 9. Statutory breaches of the Traffic Act (2021 Revision).
- 10. By reasons of the Defendant's aforesaid negligence and breach of common law and statutory duty, the Plaintiff suffered personal injury, loss, damage and expenses.

PARTICULARS OF THE PLAINTIFF'S INJURIES

- 11. The Plaintiff, who was born on 21 February 1974 was aged forty-five (45) at the time of the accident.
- 12. The Plaintiff sought treatment at the George Town hospital.
- 13. As a result of the accident, the Plaintiff sustained injuries to her neck and back, the symptoms of which are ongoing despite seeking medical treatment including but not limited to physiotherapy.
- 14. The Plaintiff reserves the right to obtain and serve medical evidence.

PARTICULARS OF THE PLAINTIFF'S SPECIAL DAMAGES, LOSSES AND EXPENSES

- 15. The Plaintiff's claim, includes, but is not limited to past and future medical expenses; losses on the open labour market; past and future loss of earnings; and medical insurer's costs. Full particulars of which will be provided prior to trial.

THIS STATEMENT OF CLAIM was filed by Campbells, Attorneys at Law for the Plaintiff, whose address for service is 4th floor, Willow House, Cricket Square, George Town, Grand Cayman, Cayman Islands Tel: 949 2648 Fax: 949 8613 (Ref. GH)

THE PLAINTIFF claims:

- a) General Damages;
- b) Past and future special damages, losses and expenses;
- c) Pre-Judgment interest in accordance with section 34 of the Judicature Act (2021 Revision);
- d) Post-Judgment interest in accordance with section 34 of the Judicature Act (2021 Revision);
- e) Further and/or other relief; and
- f) Costs.

Dated: 29 April 2022



CAMPBELLS

Attorneys for the Plaintiff

THIS STATEMENT OF CLAIM was filed by Campbells, Attorneys at Law for the Plaintiff, whose address for service is 4th floor, Willow House, Cricket Square, George Town, Grand Cayman, Cayman Islands Tel: 949 2648 Fax: 949 8613 (Ref. GH)

ENDORSEMENT TO INSURER OF MOTOR VEHICLE

The Plaintiffs' claim arises out of the use of a motor vehicle on a public road. The insurer of the Defendant named herein is **Saxon Insurance**, Saturn Close, Eastern Avenue, George Town, Grand Cayman, Cayman Islands.

THIS STATEMENT OF CLAIM was filed by Campbells, Attorneys at Law for the Plaintiff, whose address for service is 4th floor, Willow House, Cricket Square, George Town, Grand Cayman, Cayman Islands Tel: 949 2648 Fax: 949 8613 (Ref. GH)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2022

BETWEEN: ADRENIE MARIE EDWARDS JONES PLAINTIFF

AND: AMY ROBILLARD 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)
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)

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.

**Campbells
4th Floor, Willow House
PO Box 884
George Town
Grand Cayman KY1-1103
(Ref: GCH)**

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

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.