



Writ of Summons (O.6, r.1)

COURT OF THE CAYMAN ISLANDS
GEORGE TOWN, GRAND CAYMAN

CAUSE NO: OF 2022

BETWEEN: LATECIA JARRETT
PLAINTIFF

AND: XIA LI
DEFENDANT

WRIT OF SUMMONS

TO: DEFENDANTS: XIA LI of 499 Walkers Road, George Town, Grand Cayman and SAXON INSURANCE COMPANY of 14 Saturn Close, 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 11 day of May 2022

NOTE - This Writ may not be served later than 4 calendar months beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgement of Service are given with the accompany form.

1. At approximately 21:45 hours on 15th May 2019, the Plaintiff was travelling as a pillion passenger on a Blue Yamaha XTZ motor bike registration number 179823, along Walkers Road towards direction of Boiler's Road. The Defendant was driving a Red Honda Fit motor vehicle registration number 173949, which exited Memorial Avenue attempting to turn right onto Walker's Road.
2. The accident occurred when the driver, the Defendant, of the Red Honda Fit, exited Memorial Avenue and negligently turned right onto Walkers Road and into the path of the oncoming Blue Yamaha XTZ motorcycle, which front end of the motor vehicle collide into the motorcycle. Both the rider of the motorcycle and the pillion passenger were thrown from the motorcycle.
3. The collision was caused by the negligence of the Defendant.

Particulars of negligence

- (a) Driving at an excessive speed
 - (b) Failing to keep any or any proper look-out or to have any or any sufficient regard for traffic that was or might reasonably be expected to be at the junction of these roads.
 - (c) Driving or attempting to drive his motor vehicle across the path of the plaintiff
 - (d) Turning or attempting to turn from Memorial Avenue onto Walkers Road across the path of the Plaintiff when it was unsafe and dangerous so to do
 - (e) Failing to stop or to wait in the road until the plaintiff passed him safely before turning or attempting to turn to her right.
 - (f) Failing to see the Plaintiff in sufficient time to avoid crossing or attempting to cross his path or at all.
 - (g) Failing to give any or any sufficient or timely warning or signal of her intention to turn right across the path of the Plaintiff.
4. On 17 October 2019, the Defendant, Xia Ali, was charged with careless driving of the motor vehicle registration 173949 contrary to section 77 of the Traffic Law 2011. The Defendant is summoned to appear in the Summary Court, George Town, Grand Cayman on 19 May 2022 for trial of this matter. This said charge is relevant to the issue of negligence and if the Defendant is found guilty the Plaintiff intends to rely on it as evidence in this action.
 5. It is averred that the facts of the accident speaks for themselves as being an occurrence which cannot normally happen without negligence.
 6. By reason of these matters, the Plaintiff sustained injuries and she has suffered loss and damage.

Particulars of Injuries

As a result of the accident, the plaintiff suffered various injuries and is undergoing medical treatment. She suffered a left femur fracture, right laceration over her left calcaneus, multiple abrasions and lacerations to her left foot and multiple abrasions to the dorsal aspect of the left hand. Full particularisation will take place once the Plaintiff is to secure a suitable medical expert and following the exchange of medical notes/reports.

Particulars of Special Damage

Date	Description	Amount
1. 2019	Traffic Accident Report	CI\$125.00
2. All medical expenses from date of accident	to be particularised	

And the Plaintiff Claims

- (i) Damages
- (ii) Further, pursuant to The Judicature Law (1995 Revision), the Plaintiff is entitled to and claims interest on such sums as are found to be due at such rate and for such period as the Court shall think fit.
- (iii) Costs

Clyde H. Allen, Chambers

THIS WRIT was issued by CLYDE H. ALLEN, CHAMBERS on behalf of the Plaintiff whose address for service is P. O. Box 31076, KY1-1205, George Town, Grand Cayman.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO: OF 2022

BETWEEN: LATECIA JARRETT

PLAINTIFF

AND:

XIA LI

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 (s) 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
Address for service: (please see overleaf)

Please complete overleaf

Note 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: 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.

Clyde H. Allen
CHAMBERS
Attorneys-At-Law
P.O. Box 31076
KY1-1205
Cayman Islands

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