



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

**CAUSE NO:      OF 2022**

**BETWEEN:**

**MARLENE HOLDER-ELLIS**

**PLAINTIFF**

**AND:**

**LENOX GORDON**

**DEFENDANT**

**WRIT OF SUMMONS**

**TO:** The Defendant  
Lenox Gordon

**And as a Noticed Party To:** Saxon Motor & General Insurance Company Ltd  
14 Saturn Close  
Eastern Avenue  
P.O. Box 1094  
Grand Cayman KY1-1102

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff of 50 Brookstone Close, Newlands 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 June 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.

**STATEMENT OF CLAIM**

1. At all material times the Plaintiff was the driver of a Toyota Rav 4 bearing registration number 171 069 and the Defendant was the driver of a Hyundai registration Q0528.
2. On 14 June 2019 at approximately 12.30pm, the Plaintiff was driving along Walkers Road in a Southerly direction when in the vicinity of Columbus Close she slowed to allow another car to pass, and the Defendant drove into the rear of the Plaintiff's vehicle.

**Particulars of negligence**

3. 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 apply his brakes whether in time or at all;
  - (d) failed to steer or control his vehicle so as to avoid the said collision;
4. The Plaintiff will rely on the doctrine of res ipsa loquitor.
5. By reason of the aforesaid, the Plaintiff has suffered personal injury, loss and damage.

**Particulars of Injury**

6. The plaintiff's date of birth is the 1 July 1978 and at the date of the accident she was 40 years old.
7. She hit her head on the steering wheel and was immediately aware of headaches.
8. Over the next day or two she became aware of lower back and groin pain but took Panadol to assist and hoped the pain would improve.
9. When the school term finished, she went on a pre-planned vacation with her family but whilst there, her lower back pain increased. She attended urgent care in Florida who prescribed pain medication and advised she seek further care.
10. She therefore attended with Medical City in Dallas, Texas on the 24 July 2019 with severe lower back pain. She underwent a CT scan and was advised she had suffered a prolapsed disc and was prescribed medication. She was advised to see a spine specialist but the CINICO approval did not come through until she had left Texas.
11. On return from her vacation, she attended the Accident and Emergency department of George Town Hospital on the 14 August 2019 with back and left groin and thigh pain. She was also having difficulty sleeping and shortness of breath. She underwent a number of tests and was given an injection and placed on an IV. She was referred for a MRI scan and for review with a neurosurgeon.
12. She attended at Health City on the 19 August 2019. They reviewed the MRI and advised her she required surgery. The Plaintiff wished to avoid surgery and thus they made the decision to treat her conservatively with medication initially. She took the pain medication 3 times daily.

13. She reattended on the 7 September and 12 October 2019 with an improvement in her leg pain but persistent lower back pain and headache. She was advised on strengthening exercise, referred for physiotherapy and given further medication. She was advised she was likely to continue to suffer permanent symptoms without surgery.
14. She also saw the neurologist regarding her persistent migraine.
15. She attended with the neurologist in the United States on 21 October 2019 with continued headaches and back pain.
16. She attended at the A&E on returning on the 27 October 2019 with continued headache and need for medication. She was referred to the neurologist at Health City, Cayman Islands.
17. She underwent an MRI of the brain in December 2019.
18. The plaintiff suffered an intercranial thrombosis following the birth of her daughter.
19. She underwent a number of sessions of physiotherapy at the hospital. The physiotherapist taught her how to do exercises as and when the pain came on and return if needed.
20. She returned to the neurosurgeon at Health City in March 2021 with continued low back pain that had not improved with physiotherapy and undertook further X-rays.
21. She also attended with Cayman neurosurgeon in September 2021 for further opinion and was offered injections, but she chose not to proceed with any surgical intervention.
22. The plaintiff still suffers discomfort in her back particularly when active. She takes pain medication and uses muscle relaxant as required. She also still suffers increased headaches.
23. She has difficulty traveling any long distances and sleeping at night.
24. She has continued difficulty with some household chores and gardening.
25. She has been forced to take a number of days off work due to the accident.

### **Particulars of Special Damage**

26. 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 medical treatment, travel and gratuitous care.

### **AND THE PLAINTIFF CLAIMS:**

1. General Damages;
2. Special Damages;

3. Interest in accordance with the Judicature Law (2017 Revision);
4. Costs



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**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.



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.