



**GRAND COURT OF THE CAYMAN ISLANDS**

**CAUSE NO:            OF 2022**

**BETWEEN:**

**GIANNIE MCLAUGHLIN-FLORES**

**PLAINTIFF**

**AND:**

**BRITTANY NATASHA SOLOMON**

**DEFENDANT**

**WRIT OF SUMMONS**

**TO:** Brittany Solomon  
23 Condor Road, Bodden Town, Grand Cayman.

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff of 120 Theresa Drive, George Town, Grand Cayman, 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 August 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.

And as a Noticed Party to:

Cayman First Insurance  
Cayman First Centre  
17 Vibert Bodden Drive  
George Town  
Grand Cayman

**STATEMENT OF CLAIM**

1. The Plaintiff is an individual who resides at 120 Theresa Drive, George Town, Grand Cayman.
2. The Defendant was the driver of a Ford Escape motor vehicle registration number 161196 ("*the Defendant's vehicle*").
3. On 15 August 2019, the Plaintiff was driving her Hyundai Elantra motor vehicle along Huldah Avenue towards the traffic lights using the left lane. The Defendant's vehicle was following the Plaintiff's vehicle along Huldah Avenue. The Plaintiff was caused to stop her vehicle, due to the vehicle travelling ahead of her also stopping. The Defendant negligently failed to stop her vehicle and as a consequence, the Defendant's vehicle impacted with the rear of the Plaintiff's vehicle.
4. That said accident was caused by the Defendant's negligence and breach of duty, including statutory duty pursuant to section 67 and 68 of the Traffic Law (2011 Revision).
5. At all material times, the Defendant's vehicle was insured with Cayman First Insurance which had issued a policy of insurance relating to the vehicle in accordance with the Motor Insurance (Third Party Risks) Law (2012 Revision).

**Particulars of Negligence and Breach of Statutory Duty**

6. The accident was caused by the negligence of the Defendant in that she;
  - a) Failed to keep any or any proper lookout;
  - b) Failed to see the Plaintiff in sufficient time to avoid colliding with her or at all;
  - c) Failed to maintain a safe distance and/or an appropriate speed;
  - d) Failing to stop, swerve, slow down or otherwise avoid the accident;
  - e) Colliding with the Plaintiff;
  - f) Failed to exercise due care and attention when using the road;
  - g) Failed to have due regard to the safety of other road users;
  - h) Failed to drive in such a manner as to have full control of the vehicle at all times;
  - i) Drove in a manner which was not safe in all the circumstances;
  - j) Failed to exercise reasonable skill and care as should be expected of a reasonably skillful and careful driver;
  - k) Was otherwise in breach of sections 67 and 68 of the Traffic Law (2011 Revision).
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 6 April 1998, and at the date of the accident, she was 21 years old.
7. Immediately after the accident, the Plaintiff attended the offices of Dr. Enoke Richens due to pain in her neck and lower back and was diagnosed as having a soft-tissue sprain/strain and resulting muscle spasms of her back.
8. Due to the continued neck and back pain experienced by the Plaintiff, she attended a Virtual Clinic (because of the Coronavirus Pandemic) with Mr Richard Coombs (Consultant Orthopaedic and Spinal Surgeon) on 17 August 2021 (2 years' post-accident).
9. Mr Coombs noted:
  - a. Considerable pain and muscle spasm in the cervical spinal region, with three quarters of the normal range of cervical spinal movements of flexion, extension, lateral flexion and rotation.
  - b. Pain in the thoracolumbar spine and the interscapular region over the rhomboids.
  - c. Pain and discomfort in both shoulders, with three quarters of the normal range of bilateral shoulder movement, with particular pain in the right shoulder.
10. Mr Coombs opined that the Plaintiff suffered a jarring injury to her neck and back and that the symptoms she reported following the accident are directly related to the accident and would not have occurred but for the accident.
11. Mr Coombs further opined that the chance of major surgery being required within the next ten years as a direct result of the accident in question is 20%. This could include a microdiscectomy or spinal fusion.
12. Further, whilst slight symptomatic improvement could be expected, they are unlikely to resolve completely. Mr Coombs opined that the Plaintiff would continue to suffer from acute attacks of pain, alternating with periods when the symptoms are less severe, with a significant residual disability said to be permanent
13. Mr Coombs opined that there is a 20% of the Plaintiff having to retire early on medical grounds. He further opined that the Plaintiff has suffered a disadvantage on the open labour market with regard to any type of employment which particularly requires sitting or standing in one position for more than a brief period of time, travelling for long distances by car or public transport or lifting even light weights on a regular basis.
14. In addition to damages for pain, suffering and loss of amenity, the Plaintiff seeks damages reflecting her disadvantage on the open labour market and contingent future loss of earnings.

**Particulars of Special Damage**

15. 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 and physiotherapy treatment, including contingent future surgery, medication, loss of earnings, travel, care and assistance.
16. The Plaintiff additionally claims 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 15 August 2019 to trial.

**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.



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.