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**STATEMENT OF CLAIM**

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1. The Plaintiff resides at 55 Paxton Street, George Town, Cayman Islands.
2. At all material times the Defendant was the driver of Kia Rio 173 133.
3. On the 21<sup>st</sup> October 2020 the Plaintiff was travelling lawfully travelling in her vehicle along Shedden Road, away from George Town and towards the junction with Eastern Avenue (“the Junction”). While stopped at the traffic lights at the Junction the Defendant approached from behind and collided with the rear of the Plaintiff’s stationary vehicle.
4. At all material times the Defendant’s vehicle was insured with Island Heritage, who had issued a policy of insurance relating to the vehicle in accordance with the Motor Insurance (Third Party Risks) Law.

**Particulars of negligence**

5. The Plaintiff states that the aforesaid accident occurred as the result of the negligence and breach of duty (including statutory duty pursuant to ss. 67 and 68 of the Traffic Law) of the Defendant in the operation of the Defendant’s vehicle, the particulars of which negligence are as follows:
  - (a) Operating her motor vehicle in a careless manner and without reasonable consideration for other users of the road including the Plaintiff;
  - (b) Failed to keep a proper look out or to take sufficient or any precautions to avoid colliding with the rear of the Plaintiff’s vehicle;
  - (c) Failed to apply her brakes promptly, in time or at all;
  - (d) Operating the Defendant’s vehicle at an excessive rate of speed in the circumstances;
  - (e) Failed to keep a safe distance;
  - (f) Failed to exercise reasonable skill and care as one would expect;
  - (g) Collided with the Plaintiff’s vehicle.
6. In the circumstances where the Defendant’s vehicle came into collision with the rear of the Plaintiff’s vehicle, the Plaintiff pleads and relies on the doctrine of *res ipsa loquitur* as to the negligence of the Defendant in the operation of the Defendant’s vehicle.



- (b) Post-judgment interest upon the principal amount of the judgment with effect from the date of service of the judgment at the rate of 2 $\frac{3}{8}$ % per annum or such other rate then prevailing in accordance with s.34 of the Judicature Law and the Judgment Debts (Rates of Interest) Rules; and
- (c) Interest on all fixed or assessed costs and orders running from the date of service of the orders or certificates of taxation respectively and at the rate of 2 $\frac{3}{8}$ % per annum or such other rate prevailing in accordance with s.34 of the Judicature Law and the Judgment Debts (Rates of Interest);

**THE PLAINTIFF THEREFORE CLAIMS:**

- (a) General damages for pain and suffering and loss of amenities to be assessed;
- (b) Special damages as pleaded above;
- (c) Pre-judgment and post-judgment interest as more specifically pleaded above;
- (d) Her costs of this action; and
- (e) Such further and other relief as to this Honourable may seem just.

**DATED** at Grand Cayman this 11<sup>th</sup> November 2022

*Hampson PLS*

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Hampson and Company  
Attorneys for the Plaintiff

**THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM** are filed by Hampson and Company, attorneys for the Plaintiff, whose address for service is that of her said attorneys, at 4th Floor, Apollo House, 87 Mary Street, George Town, P.O. Box 698, Grand Cayman KY1-1107, Cayman Islands.

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION

CAUSE NO: OF 2022

BETWEEN:

BARBARA CECILE BRYAN

PLAINTIFF

AND:

DELINA BROWN

DEFENDANT

**ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS AD STATEMENT OF CLAIM**

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.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

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2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

Yes

No

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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)3.

Yes

No

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Service of the Writ is acknowledged accordingly

Signed .....

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

Hampson and Company  
4<sup>th</sup> Floor, Apollo House East  
87 Mary Street  
George Town  
  
PO Box 689 KY1-1107

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