

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

| | | |
|-----------------|-----------------------------|------------------|
| | CAUSE NO: | OF 2022 |
| BETWEEN: | BARBARA CECILE BRYAN | PLAINTIFF |
| AND: | SAMUEL RICARDO HYDE | DEFENDANT |

WRIT OF SUMMONS



SAMUEL RICARDO HYDE

Name and address of Defendant's motor vehicle insurer:

Island Heritage
 128 Lawrence Blvd
 George Town
 Cayman Islands

THIS WRIT OF SUMMONS has been issued against you by the above named Plaintiff, in respect of the claims set out on the next page.

Within 14 days after service of this Writ on you, (or where this Writ is served on you out of the jurisdiction pursuant to an Order of the Court, within 28 days) counting the day of service, you must either satisfy the claim or return to the Courts Office, P.O. Box 495, George Town, Grand Cayman, KY1-1106, Cayman Islands the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein any 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 11th November 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 original issuance unless renewed by order of the Court

IMPORTANT

Directions for the Acknowledgement of service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff resides at 55 Paxton Street, George Town, Cayman Islands.
2. At all material times the Defendant was the driver of Toyota Avalon, registration number 123622.
3. On the 16th August 2021 at approximately 4pm the Plaintiff was travelling lawfully travelling in her vehicle along Dorcy Drive (the major road) intending to turn towards Maclendon Drive (the minor road) and Priced Right. The Defendant was travelling along Maclendon Drive and approached Dorcy Drive. He pulled out onto Dorcy Drive without giving way to the Plaintiff.
4. The Defendant collided with the Plaintiff, causing injury, loss, damage, inconvenience and expense.
5. 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

6. 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 his 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 Plaintiff's vehicle;
 - (c) Failed to give way to the Plaintiff in circumstances where he was obliged to do so;
 - (d) Moved illegally from a minor road to a major road;
 - (e) Failed to exercise reasonable skill and care as one would expect;
 - (f) Collided with the Plaintiff's vehicle.
7. 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.

8. By reason of the aforesaid, the Plaintiff has suffered loss, damage, inconvenience and expense.

Particulars of Injury

9. The Plaintiff's injuries comprised of an exacerbation of her preexisting PTSD symptoms, which include insomnia, ruminative thoughts, flashbacks and concerns over driving.

Special damages

10. As a result of her injuries as aforesaid the Plaintiff has since unable to perform the necessary cleaning, chores and gardening.

11. The Plaintiff has sustained special damages to date including but not limited to the following (a full schedule of loss will be provided prior to trial):

- | | |
|-----------------|-----|
| a. Dr. Lockhart | TBC |
| b. Medication | TBC |

Interest

12. The Plaintiff pleads and relies on s.34 of the Judicature Law (2021 Revision) and Rules 4 and 5 of the Judgment Debts (Rates of Interest) Rules 1995 as varied by the Judgment Debts (Rates of Interest) Rules 2006 and 2008, promulgated by the Rules Committee pursuant to s.34 of the said Law, and claims interest on her general and special damages and costs as follows:

- (a) Pre-judgment interest on her general and special damages awarded, from:
- (i) 16th August 2021 to 11th October 2022 at the rate of 5% per annum; and
 - (ii) 12th October 2022 to the date of trial at the rate of 2 $\frac{3}{8}$ % per annum or such other rate as may be fixed pursuant to the Judgment Debts (Rates of Interest) Rules 1995;
- (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 11th November 2022

A handwritten signature in blue ink that reads "Hampson & Co" with a stylized flourish at the end.

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:

SAMUEL RICARDO HYDE

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.

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)

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)3.

Yes

No

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
4th 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.

[Empty box for defendant's attorney indorsement]