



IN THE SUMMARY COURT OF THE CAYMAN ISLANDS

CAUSE NO. SC OF 2023

BETWEEN:

CRAIG SMITH

PLAINTIFF

AND:

MARK EVANS

DEFENDANT

**PLAINT**

**TO THE DEFENDANT:**

Mark Evans of Grand Cayman, Cayman Islands

**THIS PLAINT** has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

**Within fourteen (14) days** after the service of this Complaint on you, counting the day of service, you must either satisfy the claim, or return to the Court Office, P.O. Box 495 GT, George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest this action. If you intend to defend this action, in whole or in part, you must set out **full particulars of your defence** in the space provided in the Acknowledgement of Service form.

**If you fail** to satisfy the claim or to return the Acknowledgement of Service form containing full particulars of your defence, the Plaintiff may apply for a **default judgment** without further notice to you.

**Issued** this 10<sup>th</sup> day of January, 2023.

**IMPORTANT**

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

**PARTICULARS OF CLAIM**

1. The Plaintiff, Craig Smith (**Smith**) is and was at all material times a resident of the Cayman Islands residing at Windsor Village, Grand Cayman.
3. On the 14 October 2022, at around 6pm, Smith had parked his Honda VTX 1300 motorcycle, registration number 179801, at Kirks Supermarket, when a Honda Civic motor vehicle registration number 127453 being driven by the Defendant, Mark Evans (**Evans**) collided with the Smith's motorcycle (**the Accident**).
4. The Accident was caused by the negligence of Evans who admitted fault at the scene.

**Particulars of negligence**

5. Evans was negligent in that he:
  - (a) Drove carelessly;
  - (b) failed to keep any or any proper look out;
  - (c) failed to see the Smith's motorcycle in time or at all;
  - (d) drove into and collided with Smith's motorcycle;
  - (e) failed to stop to slow down to swerve or to otherwise so to manage or to control his said motor vehicle as to avoid the aforesaid collision;
  - (f) exposed the Smith to a foreseeable risk of loss and damage.
6. As a result of Evans negligence Smith has suffered loss and damage.
7. Smith's motorcycle was extensively damaged as a result of the accident.

**Particulars of Loss****Vehicle Damage**

8. On 20 October 2022, Smith obtained a quote from Cayman Cycles who examined the motorcycle and found that CI\$ 1,308 of repairs were required.
9. On the same date, Smith sent the quote to Evans and the parties agreed that Evans would pay the sum of CI\$ 1,100 (**the Settlement Sum**) to Smith in full and final settlement. The parties agreed that the Settlement Sum would be paid by Evans in two installments of CI\$ 550. The first payable on or before the second week in November 2022, and the second payable on or before the second week of December 2022 (**the Agreement**).
10. Despite promises to pay, Evans failed to pay the installments, on time or at all, thereby causing loss damage to Smith of CI\$1,100.

**Legal Expenses**

11. By reason of Evan's breach of the Agreement Smith has incurred legal expenses.

As at the date of issue of the Complaint Smith has incurred the following reasonable expenses: -

(a) Professional fees and disbursements – Nelsons CI\$ 525.00

Such loss is expected to continue to date of trial. Full and further particulars of which will be provided in advance of trial.

12. The Smith claims pre and post-judgment interest calculated pursuant to the Judicature Act (2021 Revision) and the Judgment Debt (Rates of Interest) Rules, as amended from time to time.

**AND THE PLAINTIFF CLAIMS:**

1. Judgment in the sum of CI\$ 1,625.00;
2. Interest in accordance with Section 34 of the Judicature Act (2021 Revision), as pleaded in Paragraph 9 above;
3. Costs to be assessed or alternatively fixed costs; and
4. Such further and applicable other relief as this Honourable Court deems necessary.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed of CI\$ 1,625 further proceedings will be stayed. The money must be paid to the Plaintiff or his Attorney.



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**Nelsons**  
**Attorneys for the Plaintiff**

Plaintiff's address for service:

31 The Strand, PO Box 30069, Grand Cayman, KY1-1201, Cayman Islands.

This Complaint was filed by Nelsons whose address for service is 31 The Strand, 46 Canal Point Drive, P.O. Box 30069, Grand Cayman, Cayman Islands.

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ACKNOWLEDGEMENT OF SERVICE

1. State Defendant's name and Address:

\_\_\_\_\_

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

YES  NO

\_\_\_\_\_

3. If you do not intend to contest the action, do you want time in which to pay the claim? (tick box)

YES  NO

\_\_\_\_\_

4. If you intend to contest the action, in whole or in part, you must set out full particulars of your defence overleaf.

Service of the Plaintiff is acknowledged accordingly.

\_\_\_\_\_

Defendant's Signature

Dated this \_\_\_\_\_ day of 2023

**PARTICULARS OF DEFENCE**

Here set out in numbered paragraphs the grounds upon which the Defendant says that he is not liable to the Plaintiff or is not liable for the full amount claimed.

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Defendant's Signature

**REMINDER** – This form must be delivered or sent to the Courts Office, P.O. Box 495GT, George Town, Grand Cayman, within fourteen (14) days of receipt, otherwise a default judgment may be entered against you.