



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

**CAUSE NO: 162 OF 2022**

**BETWEEN:**

**DENNIS BROOKS**

**PLAINTIFF**

**AND:**

**CAMELIA LATOYA CODNER**

**DEFENDANT**

**AMENDED WRIT OF SUMMONS**

**TO:** Camelia Latoya Codner  
40 Seymour Drive, George Town, Grand Cayman

**THIS WRIT OF SUMMONS** has been issued against you by the above-named plaintiff of 85 Midland Drive, Bodden Town, Grand Cayman, in respect of the claim set out on the next page.

Within ~~14~~ **28** 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 22<sup>nd</sup> day of July 2022.

Amended this 24<sup>th</sup> day of February 2023 pursuant to the Order of 20<sup>th</sup> January 2023

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. At all material times, the plaintiff was a pedestrian, walking in an easterly direction along the side verge of Bodden Town Road. The defendant was the driver of a 2005 Honda Civic motor vehicle bearing registration 138406 ("The defendant's vehicle").
2. On 1 August 2019, at approximately 3.24 pm, the plaintiff was walking in the vicinity of #615 Bodden Town Road. Suddenly and without any warning, the plaintiff was hit from behind by the nearside of the defendant's vehicle, which had been driven in an easterly direction alongside Bodden Town Road.
3. The impact with the plaintiff resulted in the nearside mirror of the defendant's vehicle being torn off as the plaintiff was knocked from his feet and thrown over the front of the defendant's vehicle, where his body collided with the windscreen with sufficient force to shatter the glass. The plaintiff was then thrown against a boundary wall at the side of the road before finally coming to rest on the ground.
4. 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

5. 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 heed the presence of the plaintiff in time or at all;
  - c) Failed to stop, slow down or manage to control the defendant's vehicle to avoid a collision;
  - d) Drove into a collision with the plaintiff;
  - e) Failed to exercise reasonable care; and
  - f) Failed to drive with due care and attention
6. By reason of the aforesaid, the plaintiff has suffered personal injury, loss and damage.

### Particulars of General Damage

7. The plaintiff's date of birth is the 27 December 1974 and at the date of the accident, he was 44 years old.
8. Immediately after the accident, the plaintiff was taken to the Accident and Emergency Department at George Town Hospital by ambulance where he remained for three days.
9. The plaintiff underwent x-rays and a CT scan where he was diagnosed with a fractured pelvis which has since developed into accident-related arthritis, a soft tissue/sprain injury to his left ankle and left knee, and contusions to his face and right arm, which have healed, leaving residual scarring.
10. The plaintiff has also suffered from anxiety as a result of the accident.

**Particulars of Special Damage**

11. 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 treatment, loss of earnings, travel, gardening services and both gratuitous and paid care.
12. The plaintiff will claim 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 1 August 2019 to trial.

**AND THE PLAINTIFF claims:**

1. General and Special Damage
2. Interest in accordance with the Judicature Law (2017 Revision)
3. Costs



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**KSG Attorneys-at-Law**  
**Attorneys for the Plaintiff**

Amended 24<sup>th</sup> day of February 2023.

**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~~ 28 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~~ 28 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.

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**ACKNOWLEDGMENT OF SERVICE  
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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)

yes  no

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Service of the Writ is acknowledged accordingly

(Signed).....  
Attorney for

**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 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.