



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

**CAUSE NO: OF 2023**

**BETWEEN:**

**FELIX MANZANARES**

Plaintiff

**AND**

**MALACHI EZIKEL WILSON**

Defendant

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**WRIT OF SUMMONS**

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**TO: Malachi Ezikel Wilson**  
27 Pearlies Lane  
West Bay  
Grand Cayman

THIS WRIT OF SUMMONS 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 Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, 61 Edward Street, George Town, Grand Cayman, 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 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 19<sup>th</sup> day of July 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 issued unless renewed by order of the Court.

**IMPORTANT**

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

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**STATEMENT OF CLAIM**

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1. The Plaintiff, Felix Manzanares, residing in Mount Pleasant in West Bay, Cayman.
2. The Defendant, Malachi Ezekil Wilson of 27 Pearlies Lane, West Bay, Cayman Islands was at all material times the owner and operator of a Ford F150, motor vehicle registration number 206856.
3. On or about 8 April 2022 at approximately 7:34 pm, the Plaintiff who was a pedestrian, was traveling across Shamrock Road and East West Arterial Road. The Defendant was travelling east along the East West Arterial Road. While the Plaintiff was crossing the eastbound lanes when the Defendant collided with the Plaintiff.
4. As a result of the collision, the Plaintiff suffered severe injuries and had to be transported by ambulance to the hospital.
5. The said incident was caused by the Defendant's negligence and/or breach of statutory duty under Sections 67 and 68 of the *Traffic Act* (2023 Revision).

**PARTICULARS**

6. The Defendant was negligent and is guilty of the said statutory duties by:
  - a) Colliding with the Plaintiff;
  - b) Failing to give way to a pedestrian;
  - c) Failing to see the Plaintiff in time or at all;
  - d) Failure to drive at a speed and in a manner so as to be able to stop in an emergency without being involved in a collision;
  - e) Failing to apply his brakes whether in time or at all;
  - f) Failing to stop, to slow down, to swerve, or do anything to manage or control his vehicle so as to avoid the collision;
  - g) Failure to manage the vehicle so as to be able to stop within the limit of vision available at any given time;
  - h) Failing to drive in a way so as to avoid the possibility of collision with any other road user;
  - i) Failing to exercise due care and attention when using the road;
  - j) Failing to have due regard to the safety of other road users;
  - k) Driving too fast in all the circumstances;
  - l) Acting recklessly with disregard for the safety of others;
  - m) Failure to keep any proper look out in front of him;
  - n) Failing to exercise reasonable skill and care to be expected of a reasonably skillful; careful driver in the circumstances; and/or

- o) Failing to comply with the road code.
7. Further or alternatively, the Plaintiff will rely on the doctrine of *res ipsa loquitur* in that the Defendant struck him with his vehicle.
  8. By reason of the Defendant's negligence and/or breach of duty, the Plaintiff has suffered serious injuries, losses and damage.

### **PARTICULARS OF INJURIES**

9. The Plaintiff, whose date of birth is 10 September 1961, was 61 years old at the date of the collision. The Plaintiff was rushed by ambulance to the emergency department of George Town Hospital for treatment.
10. The Plaintiff suffered serious injuries as a result of the collision and continues to suffer as a result of the injuries sustained. The injuries include, but are not limited to, the following:
  - a. Multiple rib fractures;
  - b. Grade 1 renal injury;
  - c. Renal hematoma;
  - d. Fracture of L3, L4 and L5 vertebrae;
  - e. Multiple lacerations to head, face and body;
  - f. scarring;
  - g. Back pain;
  - h. Chest pain;
  - i. Knee pain;
  - j. Ankle pain;
  - k. Severe headaches;
  - l. Anxiety;
  - m. Flashbacks
  - n. Memory loss; and
  - o. Post-Traumatic Stress Syndrome.

11. The extent to which the Plaintiff will be able to recover from his injuries is unknown.

### **PARTICULARS OF SPECIAL DAMAGE**

12. At the time of the accident, the Plaintiff was employed as a construction worker with P&C Construction. He was unable to work for an extensive period and his employment was subsequently terminated. The Plaintiff has since been incapable of working at the same capacity due to his injuries. In addition to loss of income, the Plaintiff has and continues to incur medical expenses and other expenses and losses as a result of the collision which are ongoing.

13. Full particulars of the Plaintiff's special damages and losses, which are continuing, will be set out in a schedule of loss prior to trial.
14. The Plaintiff claims pre and post judgment interest on all loss, damages, and expenses, pursuant to section 34 of the *Judicature Act (2021 Revision)* in accordance with the *Judgment Debts (Rates of Interest) Rules* (as amended).

**AND THE PLAINTIFF CLAIMS:**

- A. General damages;
- B. Special damages;
- C. Pre-judgment interest on damages pursuant to the *Judicature Act (2021 Revision)*;
- D. Post-judgment interest on damages pursuant to the *Judicature Act (2021 Revision)*;
- E. Costs

Dated this 19<sup>th</sup> day of July 2023

A handwritten signature in blue ink, appearing to read "Broadhurst", is written over a horizontal line.

**BROADHURST LLC**  
Attorneys-at-Law for the Plaintiff

This Writ of Summons and Statement of Claim was issued by Broadhurst LLC, Attorneys-at-law for the Plaintiff, whose address for service is 4<sup>th</sup> Floor, Monaco Towers, 54 Edward Street, P.O. Box 2503, Grand Cayman, KY1-1104, Cayman Islands

**INDORSEMENT AS TO INSURER OF MOTOR VEHICLE**

The Plaintiff's claims arise out of the use of a motor vehicle on a public road. The insurer of the vehicle of the Defendant named herein is British Caymanian Insurance Company Limited (CG BritCay) BritCay House, 236 Eastern Avenue, George Town, Grand Cayman, KY1-1102, Cayman Islands.

**INDORSEMENT AS TO INTEREST**

Interest on both general and special damages in accordance with the *Judicature Act (2021 Revision)* in accordance with the *Judgment Debts (Rates of Interest) Rules* (as amended) to be assessed.

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE  
OF WRIT OF SUMMONS**

1. The accompanying form of *Acknowledgement 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, PO Box 495, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 endorsed on the Writ (i.e. the words “Statement of Claim” appear on the top of page 2). The defence must be served within fourteen (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 endorsed on the Writ, the defence need not be served until fourteen (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 fourteen (14) days after his Acknowledgement, 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 installments or otherwise.

**Please complete overleaf**

**Notes for Guidance**

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
2. For the purpose of calculating the period of fourteen (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 authorized to act on behalf of the Company, but the Company can take no further steps in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL HEALTH 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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Plaintiff

AND

MALACHI EZIKEL WILSON

Defendant

---

ACKNOWLEDGEMENT OF SERVICE  
OF WRIT OF SUMMONS

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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  
[Defendant in Person]  
Address for service:

*Please see 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 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.

*Endorsement by Plaintiff’s Attorney (or by Plaintiff if suing in person) of his name, address and reference, if any, in the box below.*

**BROADHURST LLC**  
ATTORNEYS-AT-LAW  
4<sup>th</sup> FLOOR MONACO TOWERS  
54 EDWARD STREET  
GEORGE TOWN  
P.O. BOX 2503  
GRAND CAYMAN  
KY1-1104

*Endorsement by Defendant’s Attorney (or by Defendant if suing in person) of his name, address and reference, if any, in the box below.*