

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



**CAUSE NO:            OF 2023**

**PATRICK HARFIELD**

**PLAINTIFF**

**AND:**

**JAMES BOVELL**

**DEFENDANT**

**WRIT OF SUMMONS**

**TO:** James Bovell

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff of 47 Forum Lane, George Town, Grand Cayman in respect of the claim set out on the next page.

Within 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, 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            day of September 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.

**STATEMENT OF CLAIM**

1. The Plaintiff and the Defendant were at all material times competitors in a 10-mile Time Trial cycling event taking place in East End, Grand Cayman on Sunday the 6<sup>th</sup> of September 2020.
2. The start and finish of the event commenced approximately 2 kilometers East of Frank Sound Road with the competitors travelling Eastbound for 5 miles, then turning and returning in the opposite direction.
3. Each competitor set off at 1-minute intervals with the Plaintiff starting second to last as one of the fastest competitors, whilst the Defendant was already out on the course.
4. At approximately 8.15am, the Plaintiff was travelling in an Easterly direction at a speed of approximately 45kph. The Defendant was travelling in the opposite direction.
5. The Defendant lost control of his bicycle and veered off the side of the road and fell to the ground, releasing his bicycle which then proceeded to travel across both lanes of the road and bounced in front of the Plaintiff's bicycle causing a collision and the Plaintiff to be thrown from his bicycle.

**Particulars of negligence**

6. The accident was caused by the negligence of the Defendant in that he;
  - a) failed to keep any or any proper look out;
  - b) failed to maintain his bicycle on the road;
  - c) failed to apply his brakes whether in time or at all;
  - d) failed to steer or control his bicycle.

The Plaintiff also relies on the doctrine of *res ipsa loquitur*.

7. By reason of the aforesaid, the Plaintiff has suffered personal injury, loss and damage.

**Particulars of Injury**

8. The plaintiff's date of birth is the 8 December 1977 and at the date of the accident he was 42 years old.
9. He attended George Town Hospital after the accident. He was diagnosed as having suffered bruising and abrasions to his right shoulder, elbow, hip, and knee and to his left hand and shoulder. He was unable to extend his right arm. He underwent numerous X-rays and was referred for CT scan of his right elbow.
10. His arm was placed in a sling, and he was given prescriptions for pain relieving medication and a sick note.
11. He underwent a six-week course of physiotherapy.
12. He is left with scarring to his body and continued restriction to his elbow.

13. Further particulars of the Plaintiff's injury and treatment will be provided at a later date by way of a schedule of damages.

**Particulars of Special Damage**

14. The Plaintiff's particulars of special damage will be supplied at a later date by way of a schedule of damages including but not limited to claims for medical treatment, loss of earnings, equipment and gratuitous care.

15. The Plaintiff will claim interest pursuant to section 34 of the Judicature Act (2021 Revision).

**AND THE PLAINTIFF claims:**

1. General and Special Damages
2. Interest in accordance with the Judicature Act (2021 Revision)
3. Costs



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

**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 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 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.



**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.