



**ND COURT OF THE CAYMAN ISLANDS
ION**

CAUSE NO: OF 2023

AUDREY STEWART

PLAINTIFF

AND:

GLENROY MILLER

DEFENDANT

WRIT OF SUMMONS

TO: Glenroy Miller

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of 1129 Rock Hole Road, 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 October 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:
The Insurance Company of the West Indies Limited
150 Smith Road
George Town
P.O. Box 461
Grand Cayman KY1-1106

STATEMENT OF CLAIM

1. At all material times, the Plaintiff was a pedestrian, and the Defendant was the driver of a Honda Accord registration number 158 355.
2. On the 24 October 2022 at approximately 11.45am, the Plaintiff was sweeping garbage along the hedge and fence line of Agouti Link by Fosters Food Fair Countryside during the course of her employment, when the Defendant lost control of his vehicle and veered off the road and into collision with the Plaintiff.
3. At all material times the Defendant's vehicle was insured with The Insurance Company of the West Indies Limited who had issued a policy of insurance relating to the vehicle in accordance with the Motor Insurance (Third Party Risks Law).

Particulars of negligence

4. 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 see the Plaintiff in time or at all;
 - c) failed to apply his brakes whether in time or at all;
 - d) failed to steer or control his vehicle so as to avoid the Plaintiff;
 - e) failed to maintain his vehicle on the road;

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

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 24 August 1968 and at the date of the accident she was 54 years old.
8. She was taken to the Accident and Emergency Department at George Town Hospital by ambulance.
9. Her initial assessment at the hospital confirmed numerous abrasions to her forehead and pain to her chest and knees.
10. She underwent CT scans of her brain, facial bones, cervical spine and abdomen and pelvis. She also underwent x-rays of her knees and sternum.
11. She was found to have hematuria and thus underwent a renal ultrasound.
12. She was discharged with advice on head injuries, pain medication and provided sick leave. She was advised to return for repeat ultrasound.

13. She attended the hospital on numerous further occasions with ongoing pain to her knees.

Particulars of Special Damage

14. 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 loss of earnings, cost of medical treatment and gratuitous care.

Conviction

15. The Plaintiff intends to adduce evidence that the Defendant was convicted of the offence of careless driving at the Summary Court, George Town, Grand Cayman as a result of his driving resulting in the collision.

16. The conviction for careless driving was recorded on 22 August 2023.

17. The conviction is relevant to the issue of the negligent driving of the defendant resulting in the collision.

AND THE PLAINTIFF claims:

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



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
4th 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.

[Empty box for defendant's attorney indorsement]