

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

STATEMENT OF CLAIM

1. At all material times the Plaintiff was the front seat passenger of a Honda Accord bearing registration number 187 228.
2. The Defendant was at all material times the driver of a Hyundai i20 motor vehicle bearing registration number 189 062.
3. At all material times the Defendant's vehicle was insured with Saxon Motor & General Insurance Company Ltd who had issued a policy of insurance relating to the vehicle in accordance with the Motor Insurance (Third Party Risks Law).
4. On 30th November 2020, the Plaintiff was the passenger of the Honda Accord driving along West Bay Road with the Defendant travelling two cars behind them in the same direction. In the vicinity of Peppers restaurant, the vehicle in which the Plaintiff was travelling came to a stop to turn into the restaurant parking lot, a Hyundai H-100 travelling behind them also stopped, however, the Defendant failed to stop his vehicle, causing a collision with the Hyundai H-100 and causing it to be pushed into the rear of the vehicle in which the Plaintiff was travelling.
5. The accident was caused by the negligence of the Defendant.

Particulars of Negligence

6. The Defendant was negligent in that he:
 - a) failed to keep any or any proper look out;
 - b) failed to see the Plaintiff's vehicle or the Hyundai H-100 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 said collision.

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 23 November 1985 and at the date of the accident she was 35 years old.
9. At the time of the collision, she hit her head on the dashboard.
10. She attended the Accident and Emergency Department of George Town Hospital following the accident with a head injury, neck, back and shoulder pain.

This Writ and Statement of Claim is issued by KSG Attorneys at Law for the Plaintiff whose address for service is 3rd Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107. Lobo Dixon

11. She was given a pain-relieving injection and she underwent CT of the brain and cervical spine. She was provided with a cervical collar, prescription for pain relieving medication and a sick note.
12. She reattended on the 10 December 2020 with continued pain and anxiety. She was referred for physiotherapy and prescribed further medication.
13. She attended again on the 13 June and 19 August 2022 with continued back pain.
14. She again reattended on 6 March 2023 with continued back, shoulder and arm pain with numbness and tingling to her right hand. She was given medication and referred to neurosurgery and to a gastroenterologist due to issues following taking pain killers and anti-inflammatory medication.
15. She saw the gastroenterologist at Health City Cayman Islands on the 8 April 2023. She underwent an endoscopy.
16. She saw the neurosurgeon and underwent MRI of the cervical spine and an electrophysiology study on the 12 June 2023. The MRI confirmed cervical spondylosis and EMG showed mild active denervation changes at C5.
17. She attended with the neurologist on the 20 June 2023 who recommended further physiotherapy and she was provided further medication.
18. She underwent two sessions of therapy in Honduras due to the pain she was suffering. She has not undergone further physiotherapy as she is unable to afford it at this time.
19. Further particulars of the Plaintiff's injury and treatment will be provided at a later date by way of a schedule of loss.

Particulars of Special Damage

20. The Plaintiff has suffered loss and incurred expenses as a result of the accident.
21. 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 loss of income, medical treatment, travel, equipment and gratuitous care.

Statement as to Interest

22. The Plaintiff will claim interest pursuant to section 34 of the Judicature Act (2021 Revision) at half the rate as prescribed under the Judgment Debts (Rates of Interest) Rules (as amended) from 30th November 2020 to trial.

AND THE PLAINTIFF CLAIMS:

1. General Damages;
2. Special Damages;
3. Interest in accordance with the Judicature Act (2021 Revision);
4. Costs;
5. Such further or other relief that his Honourable Court deems just.



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
3rd Floor One Capital Place
Shedden Road
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.