



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

CAUSE NO: OF 2023

JOSELENE VEGIZ

PLAINTIFF

AND:

CHRISTOPHER WELLINGTON

DEFENDANT

WRIT OF SUMMONS

TO: The Defendant

And as a Noticed Party To: Saxon Motor & General Insurance Company Ltd
 14 Saturn Close
 Eastern Avenue
 P.O. Box 1094
 Grand Cayman KY1-1102

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of 189 Fountain Road, West Bay, Grand Cayman, Cayman Islands 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 December 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.

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. Vegiz v Wellington

STATEMENT OF CLAIM

1. At all material times the Plaintiff was the owner and driver of a Toyota Alphard bearing registration number 181 107.
2. The Defendant was at all material times the driver of a Dodge Ram 1500 motor vehicle bearing registration number 170 322.
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 Vehicle Insurance (Third Party Risks) Act.
4. On 18th December 2020, the Plaintiff was the driver of the Toyota Alphard driving along Batabano Road toward the junction with Esterley Tibbetts Highway when the Defendant travelling in the opposite direction turned right across the path of the Plaintiff's vehicle causing a collision.
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 in time or at all;
 - c) turned right across the path of the Plaintiff's vehicle;
 - d) failed to apply his brakes whether in time or at all;
 - e) 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 25 March 1972 and at the date of the accident she was 48 years old.
9. She hit her head on impact and lost consciousness for a short period.
10. She was taken by ambulance to the Accident and Emergency Department of George Town Hospital following the accident with a head injury and neck pain.
11. She was given a pain-relieving injection, her laceration was sutured and she underwent CT of the brain.

12. She reattended on the 9 January 2021 with dizziness and neck pain. She was advised she was likely suffering post-concussion syndrome which may persist for a few months.
13. Prior to the accident, the Plaintiff had a history of low back pain but this was exacerbated by the accident.
14. She reattended the hospital on the 15 June 2021 with continued upper back pain and numbness to her arm and finger. She was examined, provided pain medication and referred for physiotherapy consult.
15. She underwent physiotherapy and chiropractic treatment at Synergy for a period of three months but saw little improvement.
16. She underwent an ultrasound of her right shoulder on the 18 November 2021
17. She attended with Dr Lippett for chiropractic treatment between December 2021 and April 2022. She found partial relief from the treatment but then reverted to the original pain levels. Dr Lippett referred her to Dr O'Connor.
18. She attended the hospital on the 1 November 2022 with right arm and neck pain. She was provided further medication and for physiotherapy consult.
19. She attended the hospital on the 23 November 2022 with continued pain and was referred to a physiatrist.
20. She attended with Dr O'Connor on numerous occasions who diagnosed her as having suffered the following: -
 - Scalp Laceration
 - Concussion with associated headaches and dizziness
 - Neck and shoulder pain which she assesses is likely to be permanent in nature
 - Aggravation of pre-existing carpal tunnel syndrome
 - Mid and lower back pain
21. She remains under the care of her physicians.
22. 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

23. The Plaintiff has suffered loss and incurred expenses as a result of the accident.
24. 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

25. 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 18th December 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.

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

CAUSE NO: OF 2023

BETWEEN:

JOSELENE VEGIZ

PLAINTIFF

AND:

CHRISTOPHER WELLINGTON

DEFENDANT

**ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

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.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

yes

no

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

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
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.