



No. 1
Plaint

SUMMARY COURT AT GEORGE TOWN

Cause No. SC of 2024

BETWEEN:

ROGELIO DAMASCO
ROMAN DAMASCO Jnr
PAOLA ALEJANDRA FLORES AGUIRRE

Plaintiffs

AND:

AZIBERI LAMBERT

Defendant

To the Defendant

C/O MARRIOTT HOTEL
389 WEST BAY ROAD
GRAND CAYMAN KY1-1202
CAYMAN ISLANDS

THIS PLAINT has been issued against you by the above - named Plaintiffs in respect of the claim set out on the next page.

Within 14 days after service of this Plaint on you, counting the day of service you must either satisfy the claim or return to the Court Office, PO Box 495GT, George Town, Grand Cayman, the accompanying Acknowledgment of Service form stating therein whether you intend to contest this action. If you intend to defend the action, in whole or in part, you must set out **full particulars of your defence** in the space provided in the Acknowledgement of Service form.

If you fail to satisfy the claim or fail to return the Acknowledgement of Service form containing full particulars of your defence, the Plaintiffs may apply for a **default** judgment without any further notice to you.

Issued this 23 day of April 2024

See overleaf for the particulars of the Plaintiffs' claim

PARTICULARS OF CLAIM

(Here set out in numbered paragraphs the grounds upon which the Plaintiffs claim the Defendant is indebted to him or is liable to pay damages to him)

The Collision

1. On the night of 21 October 2023, the Plaintiffs were travelling in a Honda Integra motor vehicle, registration 114-845. The First Plaintiff was the driver, the Second Plaintiff was the front seat passenger, and the Third Plaintiff was a rear seat passenger.
2. As the Plaintiffs were travelling along Goring Avenue and approaching the junction with Walker's Road, the Defendant, who was approaching the same junction from Walker's Road direction, took the corner at a high rate of speed, crossed into the Plaintiffs' lane, and collided head on with their car.
3. At the material time, the Defendant was not insured and the level of alcohol in his blood was above the legal limit. He has since been charged with criminal offences as a result.

Injuries

4. The Plaintiffs were transported to George Town Hospital, where it was discovered that they had suffered the following injuries and complaints -
 - a. The First Plaintiff:
 - i. 3 x fractured ribs
 - ii. Cuts and bruises to face
 - iii. Difficulty breathing
 - b. The Second Plaintiff:
 - i. Cuts to head requiring 11 stitches
 - ii. Facial injuries
 - iii. Left-side pain, including ribs, shoulder and neck.
 - c. The Third Plaintiff:
 - i. Dislocated hip
 - ii. Fractured hip socket
 - iii. Fractured femur head

Financial Loss

5. The First Plaintiff suffered the following financial loss:
 - a. Motor vehicle written off, with a value of \$2,500
 - b. Medical bills of \$2,389.76 from HSA
 - c. Lost income of \$1,467

- d. Towing charges of \$150
- e. Police report costing \$100
- f. Prescription charges of \$8.80

Total - \$6,615.56

6. The Second Plaintiff suffered the following financial loss:

- a. Medical bills of \$2,753.14 from HSA
- b. Lost income of \$340.50
- c. Prescription charges of \$18.80

Total - \$3,452.94

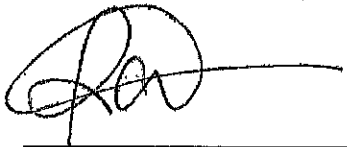
7. The Third Plaintiff suffered the following financial loss:

- a. Medical bills of \$8,448.32 from HSA
- b. Lost income of \$2,272.50
- c. Uninsured physiotherapy charges of \$95

Total - \$10,815.82

AND the Plaintiffs claim:

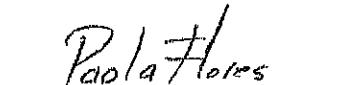
- 1 The sum of \$19,999.
- 2 Pre- and post-judgment interest in accordance with s.34 of the Judicature Act (2021 Revision) and the Judgment Debts (Rates of Interest) Rules, 2012, at the statutory rate of 2.375%, from 21 October 2023, and claimed in the sum of CI\$226.42, continuing to accrue at the rate of CI\$1.30 per diem.
- 3 Fixed costs of \$175.00, alternatively costs to be assessed.



First Plaintiff Signature



Second Plaintiff Signature



Third Plaintiff Signature

Plaintiff's address for service

Samson Law Associates, The White House, 20 Genesis Close,
 George Town, P.O. Box 2425, KY1-1105, Grand Cayman
 CAYMAN ISLANDS

IN THE SUMMARY COURT AT GEORGE TOWN

CAUSE NO. SC OF 2024

BETWEEN:

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ROMAN DAMASCO
PAOLA ALEJANDRA FLORES AGUIRRE

Plaintif

AND:

AZIBERI LAMBERT

Defendant

ACKNOWLEDGEMENT OF SERVICE

1 State Defendant's name and address -

2 State whether the Defendant intends to contest the action.

Yes

No

3 If you do not intend to contest the action, do you want time in which to pay the claim?

Yes

No

4 If you do intend to contest the action, in whole or in part, you must set out full particulars of your defence overleaf.

Service of the Plaintiff is acknowledged accordingly.

Defendant's Signature

DATED this day of 2024

See Overleaf

PARTICULARS OF DEFENCE

(Here set out in numbered paragraphs the grounds upon which the Defendant says that he is not liable to the Plaintiff, or is not liable for the full amount claimed)

Defendant's Signature

REMINDER – This form must be taken or sent to the Court Office, PO BOX 495, Grand Cayman KY1-1106 Cayman Islands within 14 days of receipt otherwise a default Judgment may be entered against you.