



**GRAND COURT OF THE CAYMAN ISLANDS
DIVISION**

CAUSE NO: OF 2024

BETWEEN MARSHANEL TANEKA WATTS PLAINTIFF
AND ANTHONY AGUE AMANTE 1ST DEFENDANT
AND MAY CHRISTINE CERNA BUENA VENTURA 2ND DEFENDANT
AND CAYMAN FIRST INSURANCE COMPANY LIMITED THIRD-PARTY NOTICE

WRIT OF SUMMONS

TO: Anthony Ague Amante
 23 School House Lane, Breakers- Bodden Town
 62 Gold Smith Street, Bodden Town

AND TO: May Christine Cerna Buena Ventura
 93 Owen Robert’s Drive – Apt 55

AND TO: Cayman First Insurance Company Limited
 17 Vibert Bodden Drive, Shedden Road

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff 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.

THIS WRIT was issued by **HARVEL GRANT** of 3176 Shamrock Road, P.O. Box 23 Bodden Town, KY1-1601 Grand Cayman, Cayman Islands, Attorney-at-law for the Plaintiff whose address for service is that of her said Attorney-at-law.

Issued this 28 day of June 2024

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 was issued by **HARVEL GRANT** of 3176 Shamrock Road, P.O. Box 23 Bodden Town, KY1-1601 Grand Cayman, Cayman Islands, Attorney-at-law for the Plaintiff whose address for service is that of her said Attorney-at-law.

STATEMENT OF CLAIM

1. At all material times the Plaintiff was a passenger in a Hyundai motor vehicle with registration no 182190 registered to Luxury Cayman Villas Limited and driven by Marcia Stewart ("V1").
2. The First Defendant was at all material times the owner of a Honda Fit with registration no 199583 ("V2").
3. The Second Defendant was at all material times the authorised driver of V2.
4. On 7 July 2021 the Plaintiff was being driven along the Bodden Town main road, when upon approaching the Light House Restaurant the 2nd Defendant drove out from a residential address onto the main road and collided into the passenger side of V1 where the Plaintiff was sitting.
5. The accident was caused by the negligence of the Second Defendant.

PARTICULARS OF NEGLIGENCE

6. The Second Defendant was negligent in that she:
 - 6.1. Failing to keep any or any proper lookout;
 - 6.2. Failed to see the vehicle in which the Plaintiff was a passenger in time, or at all;
 - 6.3. Failed to apply her brakes whether in time or at all;
 - 6.4. Failed to steer or control her vehicle so as to avoid the said collision.
7. The Plaintiff also relies on the doctrine of res ipsa loquitur.

THIS WRIT was issued by **HARVEL GRANT** of 3176 Shamrock Road, P.O. Box 23 Bodden Town, KY1-1601 Grand Cayman, Cayman Islands, Attorney-at-law for the Plaintiff whose address for service is that of her said Attorney-at-law.

8. By reason of these matters the Plaintiff sustained serious injuries and has suffered loss and damage.

PARTICULARS OF INJURIES

9. The Plaintiff's date of birth is 30 April 1978 and at the date of the accident she was 43 years.
10. The Plaintiff was transferred to George Town Hospital by ambulance and suffered injuries to her lower back and right leg.
11. The Plaintiff has been seen by a general practitioner following the accident as she has been diagnosed with spondylosis with bilateral lumbar foraminal stenoses.
12. The Plaintiff has been prescribed medication and has been attending physiotherapy and continues to see doctors, both general practitioners and specialists.
13. The Plaintiff continues to do various tests, and assessments to determine her prognosis and treatments

PARTICULARS OF SPECIAL DAMAGES

14. At the time of the Accident the Plaintiff was employed.
15. The Plaintiff has suffered loss and incurred expenses as a result of the accident.
16. The Plaintiff's particulars of special damages 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

THIS WRIT was issued by **HARVEL GRANT** of 3176 Shamrock Road, P.O. Box 23 Bodden Town, KY1-1601 Grand Cayman, Cayman Islands, Attorney-at-law for the Plaintiff whose address for service is that of her said Attorney-at-law.

17. The Plaintiff will claim interest pursuant to s. 34 of the Judicature Act (2021 Revision) at half the rate prescribed under the Judgment Debts (Rates of Interest) Rules (as amended) from 7 July 2021 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 this Honourable Court deems just.



HARVEL GRANT
ATTORNEY-AT-LAW FOR THE PLAINTIFF

THIS WRIT was issued by **HARVEL GRANT** of 3176 Shamrock Road, P.O. Box 23 Bodden Town, KY1-1601 Grand Cayman, Cayman Islands, Attorney-at-law for the Plaintiff whose address for service is that of her said Attorney-at-law.

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 the Defendant's Acknowledgment of Service that the Defendant 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 that Defendant's defence within the appropriate time, the Plaintiff may enter judgment against the Defendant 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 the Defendant intends to apply for a stay, execution will be stayed for 14 days after that Defendant's Acknowledgment, but the Defendant must, within that time, issue a Summons for a stay of execution, supported by an affidavit of the Defendant's 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

THIS WRIT was issued by **HARVEL GRANT** of 3176 Shamrock Road, P.O. Box 23 Bodden Town, KY1-1601 Grand Cayman, Cayman Islands, Attorney-at-law for the Plaintiff whose address for service is that of her said Attorney-at-law.

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 the Defendant.
3. Where the Defendant is sued in a name different from the Defendant's own, the form must be completed by the Defendant 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 that Partner's name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN THAT PERSON'S OWN, the form must be completed by the Defendant with the addition in paragraph 1 of the description "trading as (.....)" after that Defendant's 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.

THIS WRIT was issued by **HARVEL GRANT** of 3176 Shamrock Road, P.O. Box 23 Bodden Town, KY1-1601 Grand Cayman, Cayman Islands, Attorney-at-law for the Plaintiff whose address for service is that of her said Attorney-at-law.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: OF 2024

BETWEEN	MARSHANEL WATTS	PLAINTIFF
AND	ANTHONY AGUE AMANTE	1 ST DEFENDANT
AND	MAY CHRISTINE CERNA BUENA VENTURA	2 ND DEFENDANT
AND	CAYMAN FIRST INSURANCE COMPANY LIMITED	THIRD-PARTY NOTICE

ACKNOWLEDGMENT OF SERVICE OF
WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you, give that Attorney 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 the Defendant may have to pay the costs 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

THIS WRIT was issued by **HARVEL GRANT** of 3176 Shamrock Road, P.O. Box 23 Bodden Town, KY1-1601 Grand Cayman, Cayman Islands, Attorney-at-law for the Plaintiff whose address for service is that of her said Attorney-at-law.

3. If the claim against the Defendant is for a debt or liquidated demand, AND the Defendant 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, the Defendant must give the Defendant's post office box number and the physical address of the Defendant's residence or, if the Defendant does not reside in the Cayman Islands, the Defendant must give an address in Grand Cayman where communications for the Defendant 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 that Plaintiff's name, address and reference, if any, in the box below.

HARVEL GRANT
3176 SHAMROCK ROAD
P.O. BOX 23 BODDEN TOWN
KY1-1601 GRAND CAYMAN, CAYMAN ISLANDS

Indorsement by Defendant's Attorney (or by Defendant if suing in person) of that defendant's name, address and reference, if any, in the box below.

[Empty box for Defendant's Attorney indorsement]

THIS WRIT was issued by **HARVEL GRANT** of 3176 Shamrock Road, P.O. Box 23 Bodden Town, KY1-1601 Grand Cayman, Cayman Islands, Attorney-at-law for the Plaintiff whose address for service is that of her said Attorney-at-law.