



**GRAND COURT OF THE CAYMAN ISLANDS
DIVISION**

CAUSE NO: OF 2024

ADAM BRADLEY CUMMINS

PLAINTIFF

AND:

ASHLEY DIANE GRIZZEL

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 34 Amity Street, George Town, 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 5 day of September 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 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. Cummins v Grizzel

STATEMENT OF CLAIM

1. At all material times the Plaintiff was the driver of a motorcycle bearing registration number 179 769. At all material times the Plaintiff was fully licensed by the Cayman Islands government to drive a motorcycle with Group H disability.
2. The Defendant was at all material times the driver of a Hyundai Creta motor vehicle bearing registration number 08 682.
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 28th November 2021, the Plaintiff was lawfully driving his motorcycle along Shamrock Road towards Bodden Town Road when the Defendant turned right out of Will T Drive into the path of the Plaintiff's correctly proceeding vehicle, causing a collision.
5. The accident was caused solely by the negligence of the Defendant.

Particulars of Negligence

6. The Defendant was negligent in that she:
 - (a) failed to keep any or any proper look out;
 - (b) failed to see the Plaintiff in time or at all;
 - (c) failed to give way to vehicles on the main road;
 - (d) failed to apply her brakes whether in time or at all;
 - (e) failed to steer or control her vehicle so as to avoid the said collision;
 - (f) failed to take reasonable care in all the circumstances.
7. The Plaintiff also relies on the doctrine of *res ipsa loquitur*.
8. By reason of the aforesaid, the Plaintiff has suffered personal injury, loss and extensive damages.

Particulars of Injury

9. The Plaintiff's date of birth is 20 January 1979 and at the date of the accident he was 42 years old. The Plaintiff was born without his right hand.
10. He lost consciousness in the collision and was found at the scene of the accident by emergency medical personnel with critical injuries. He was taken by Ambulance to the Emergency Department at George Town Hospital for further treatment. He suffered a

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seizure in the Ambulance and his Glasgow coma scale was assessed at "4" on arrival to the ER.

11. He was admitted to the critical care unit of George Town Hospital, intubated and ventilated. He was attended to by general surgery, orthopedic surgery and neurosurgery consultants. He remained an inpatient until 8 December 2021.
12. He suffered multiple serious traumatic injuries including:
 - (i) a traumatic brain injury including loss of consciousness and cerebral contusion;
 - (ii) multiple skull fractures;
 - (iii) a shoulder injury;
 - (iv) a chest injury including multiple broken ribs;
 - (v) a pneumothorax and lung contusions requiring a chest tube;
 - (vi) a Rolando fracture of his left hand (metacarpal bone) and an AC injury;
 - (vii) severe headaches and tinnitus;
 - (viii) severe anxiety; and
 - (ix) post-traumatic stress disorder.
13. He underwent x-rays and was provided pain medication.
14. He underwent hand surgery with permanent hardware inserted to repair the fracture to his left hand (thumb). His left hand was placed in a cast and splint.
15. He was severely incapacitated and unable to do any tasks for himself. He required help and care with all aspects of daily life.
16. He has permanent scarring on his chest, left hand and head.
17. He underwent a course of physiotherapy.
18. He underwent further x-ray examination of his shoulder which revealed a mild soft tissue swelling at right achomioclavicular joint.
19. He attended Restorative Health Alliance for treatment of his traumatic brain injury and was prescribed medication for insomnia. He was assessed by Cayman Neurosurgeons International group.
20. He suffered mood changes, poor memory, diminished smell and taste, headaches, bilateral tinnitus, anosmia, and has deviated nasal septum.
21. He suffered severe anxiety, depression and post-traumatic stress disorder, was prescribed medication and underwent therapy.

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22. At the time of the accident the Plaintiff worked at Cayman Spirits Co and was unable to return to work. He took a two-year sabbatical and was not paid.
23. At the time of the accident, the Plaintiff was in the process of opening a business, however his injuries and the effects of the accident affected his ability to open and run his business properly.
24. He continues to suffer from his injuries and his quality of life has been severely affected and further adverse sequelae cannot be ruled out.
25. 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

26. The Plaintiff has suffered loss and incurred expenses as a result of the accident which are ongoing.
27. 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 and gratuitous care.

Statement as to Interest

28. 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 28th November 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 his Honourable Court deems just.



KSG Attorneys-at-Law
Attorneys for the Plaintiff

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. Cummins v Grizzel

**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

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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.

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