

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 530 OF 1999

BETWEEN:

NICHOLAS CLEMENT

PLAINTIFF

AND:

WILLIAM DAWSON

DEFENDANT

WRIT OF SUMMONS

To: William Dawson, Newlands Savannah, Grand Cayman.

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 Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 9th day of September 1999.

NOTE – This Writ may not be served later than 4 calendar months (of, 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 Acknowledgement of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. On or about 18th February 1999 at approximately 9:45pm the Plaintiff was driving his Toyota Corolla motor car, registration number 71601 in an easterly direction along Crewe Road towards the Lions Centre. Upon reaching the junction of Old Crewe Road and Crewe Road, the Plaintiff stopped his vehicle and indicated his intention to turn right into Old Crewe Road. Whilst in a stationary position the Plaintiff's vehicle was involved in a collision from behind with a GMC truck registration no. 46761 being driven by the Defendant.
2. The said collision was caused by the Defendant's negligence and or breach of statutory duty under Section 52 and 55 of the Traffic Law (Revised).

PARTICULARS

3. The Defendant was negligent and or guilty of breaches of the said statutory duties by:-
 - a) Failing to drive in such manner as to have full control of his vehicle at all times;
 - b) Failing to keep any or a proper look out and or to heed the presence of the Plaintiff;
 - c) Driving at a speed excessive in the circumstances;
 - d) Failing to apply his brakes in time or at all and or so to steer or control his truck so as to avoid the said collision;
 - e) Failing to exercise any or any proper care and attention when using the road and/or to have any or any proper regard for the safety of other road users.
4. By reason of the Defendant's said negligence and/or breach of duty the Plaintiff has suffered loss and damage.

PARTICULARS OF SPECIAL DAMAGES

Damage to vehicle	CIS\$2500.00
Police Report	CIS\$75.00
Loss Adjustors Report	<u>CIS\$125.00</u>
TOTAL	<u>CIS\$2700.00</u>

5. The Plaintiff claims interest pursuant to Section 34(1) of the Judicature Law (1995 Revision) at the prescribed rate and for such periods as the Court thinks fit:-

AND THE Plaintiff Claims:-

- (i) Special Damages
- (ii) Interest pursuant to Section 34(1) of the Judicature Law (1995 Revision)
- (iii) Costs

Dated this 9th day of September 1999

C.S. Gill + Co

C.S. Gill & Co.
Attorneys-at-Law
for the Plaintiff

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 of 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.