

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

**CAUSE NO. 836 OF 1999**

**BETWEEN**                    **JULES EVAN FOSTER**                    **PLAINTIFF**  
**AND**                            **DAFFODFIL MONIQUE BODDEN**                    **DEFENDANT**



**WRIT OF SUMMONS**

**TO:** *Daaffodfil Monique Bodden*  
*Mt. Pleasant, West Bay/  
Grand Cayman*

*c/o Caribbean Publishing Co.  
3 Paddington Place  
North Sound Road, George Town  
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 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 return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.***

Issued this        day of                    199

***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.

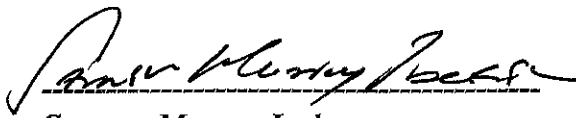
***IMPORTANT***

Directions for Acknowledgement of Service are given with the accompanying form.

INDORSEMENT

*The Plaintiff claims against the Defendant to recover damages for that on the 24<sup>th</sup> day of May 1997 the Defendant so negligently drove and operated her Ford Probe motor car along the West Bay Road, George Town, Grand Cayman at its junction with Snooze Lane, that it placed the Plaintiff in a peril of the moment from which he took evasive action resulting in an accident on the date and place aforesaid. As a consequence of the said accident the Plaintiff suffered damage and sustained serious personal injuries.*

*Dated the 16<sup>th</sup> April 1999*



*Samson Murray Jackson  
Attorneys-at-Law for the Plaintiff*

THIS WRIT was issued by Samson Murray Jackson, Attorneys-at-Law, for and on behalf of the Plaintiff, whose address for service is that of his said Attorneys-at-Law, The Ground Floor (West Wing), Smith/Hospital Roads, George Town, Grand Cayman

*IN THE GRAND COURT OF THE CAYMAN ISLANDS*

*CAUSE NO. 536 OF 1999*

*BETWEEN                      JULES EVAN FOSTER                      PLAINTIFF*  
*AND                              DAFFODFIL MONIQUE BODDEN              DEFENDANT*

**STATEMENT OF CLAIM**

1. The Plaintiff was at all material times the owner and driver of Hyundai Accent motor car licensed 63 460.
2. The Defendant was at all material times the owner of a Ford Probe motor car.
3. On the 24<sup>th</sup> day of May 1997 the Plaintiff was driving his said motor car along the West Bay Road in a northerly direction, when the Defendant so negligently drove her aforesaid Ford Probe motor car along the said West Bay Road in a southerly direction, at its junction Snooze Lane, that it placed the Plaintiff in a peril of the moment causing him to swerve to avoid colliding with the Defendant's said motor car and in turn colliding with a Dodge Caravan motor vehicle licensed 45 127 owned by Puritan Cleaners and driven in a southerly direction, behind the Defendant's said motor vehicle, by Gilroy McDowell.

**Particulars of Negligence**

- (a) Driving too fast in the circumstances;
- (b) Failing to keep any or any proper look-out or to have any or any sufficient regard for other traffic that was or might reasonably be expected to be at the junction of these roads;
- (c) Turning into Snooze Lane from West Bay Road without first ascertaining or ensuring that it was safe to do so;
- (d) Failing to give way to the Plaintiff while he was driving along the West Bay Road;
- (e) Crashing into the kerb of the said intersection and reversing out onto the West Bay Road without first ascertaining or ensuring that it was safe to do so;
- (f) Failing to give any or any adequate signal or warning that she intended to turn left across the traffic travelling in a northerly direction along the said West Bay Road;
- (g) Failing to stop slow down to swerve or in any other way so to manage or control her said motor car as to prevent the collision.

4. The Plaintiff was charged with the offence of Dangerous Driving as a consequence of the said collision but was acquitted of the said charge on the making of a No Case Submission before Magistrate Peter B. Jackson on the 19<sup>th</sup> day of November 1998. The Plaintiff will rely on the evidence adduced by the Prosecutor at the said trial as proof of the negligence of the Defendant.
5. By reason of these matters, the Plaintiff sustained injuries and has suffered loss and damage.

**Particulars of Injuries**

- (a) Multiple fractures (as detailed in medical records);
- (b) Traumatic brain injury (as detailed in medical reports);
- (c) Pre and post traumatic amnesia;
- (d) Lacerations;

**Particulars of Special Damages**

(1)	Medical/Travel costs (to date)	CIS\$130,012.62
(2)	Legal fees in defence of criminal charge	CIS\$ 9,000.00
(3)	Cost of Traffic Accident Report	CIS\$ 75.00
(4)	Cost of Accident Reconstruction Report	CIS\$ 2,050.00
(5)	Loss of motor vehicle (estimated)	<u>CIS\$ 10,000.00</u>
		CIS\$151,137.62

**AND THE PLAINTIFF CLAIMS:**

1. Damages;
2. Interest at applicable Statutory rates;
3. Costs.

Dated this 16<sup>th</sup> day of April 1999



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Samson Murray Jackson  
Plaintiff's Attorneys-at-Law

THIS STATEMENT OF CLAIM was issued by Samson Murray Jackson, Attorneys-at-Law, for and on behalf of the Plaintiff, whose address for service is that of his said Attorneys-at-Law, The Ground Floor (West Wing), Smith/Hospital Roads, George Town, Grand Cayman

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

**CAUSE NO. 536 OF 1999**

**BETWEEN                    JULES EVAN FOSTER                    PLAINTIFF**  
**AND                            DAFFODIL MONIQUE BODDEN            DEFENDANT**

**ACKNOWLEDGEMENT 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 judgement being entered against a Defendant whereby he May have to pay the costs of applying to set it aside.**

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

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

yes

no

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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 judgement entered by the Plaintiff (tick box).

yes

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Service of the Writ is acknowledged accordingly

(Signed).....  
[Attorney] for  
[Defendant in person]  
Address for service:

*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 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 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:*

SAMSON MURRAY JACKSON  
The Ground Floor (West Wing), Sigma Building  
Smith/Hospital Roads  
George Town, Grand Cayman  
PO Box 10067 Airport Post Office

*Indorsement by Defendant's Attorney (or by Defendant if suing in person) of his name, address and reference, if any, in the box below:*