

IN THE GRAND COURT OF THE CAYMAN ISLANDS

✓  
201  
CAUSE NO. OF 2001

BETWEEN:

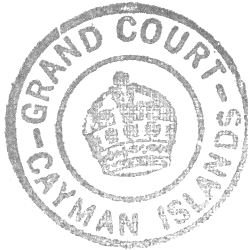
CHRISTOPHER IAN PANTON, by his Next Friend,  
PRENTICE EDLESTON PANTON

Plaintiff

- and -

EUSEBIO SEYMOUR

Defendant



WRIT OF SUMMONS

TO: EUSEBIO SEYMOUR  
PO Box 408 WB  
Town Hall Crescent  
West Bay  
Grand Cayman  
Cayman Islands



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 495 GT, 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<sup>th</sup> day of April 2001.

NOTE - This Writ may not be served later than 4 calendar months beginning with the date of issue unless renewed by order of the Court.

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**IMPORTANT**

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

**STATEMENT OF CLAIM**

1. The Plaintiff who is now 24 years of age and was 22 years of age on 22 November 1999, is unemployed and resides in George Town, Grand Cayman, Cayman Islands, and has an address for service of P.O. Box 1234 GT, George Town, Grand Cayman, Cayman Islands.
2. At all material times, the Plaintiff was riding as a backseat passenger in a Toyota Camry motor vehicle bearing license plate number 67152 owned by Jenny Seymour and being operated by the Defendant. The Defendant was operating the vehicle with the consent of Jenny Seymour, who is the Defendant's mother.
3. On or about 22 November 1999 at approximately 12:50 a.m., the Defendant was driving the said motor vehicle from East End west towards George Town. As he approached the bend near the Lighthouse, the Defendant lost control of the vehicle, causing it to collide with a concrete walkway and roll onto its side.
4. The said collision was caused by the negligence of the Defendant.

**PARTICULARS OF NEGLIGENCE OF THE DEFENDANT**

- (a) Failing to exercise care and attention when using a road;
- (b) Failing to have due regard to the safety and comfort of his passengers and other road users and the preservation and protection of public and private property;

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- (c) Failing to drive in such a manner as to have full control of the vehicle at all times;
- (d) Failing to keep a watch on the road behind as well as in front of his vehicle;
- (e) Failing to manage the vehicle as to be able to stop within the limit of vision available at any given time;
- (f) Driving a motor vehicle on a road dangerously or recklessly, or at a speed or in a manner or in a condition which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the roadway or place and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road;
- (g) Driving a motor vehicle on a road without due care and attention, or without reasonable consideration for other persons;
- (h) Driving a motor vehicle when under the influence of drugs or alcohol to such an extent that his efficiency as a driver was impaired;
- (i) Driving a motor vehicle when he had consumed alcohol in such a quantity that the proportion thereof in his breath, blood or urine exceeded the prescribed limit; and
- (j) Driving on a road at a speed in excess of the maximum speed prescribed for the Islands generally or for the place where the vehicle was being driven.

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5. As a result of the said collision and the negligence of the Defendant, the Plaintiff has suffered injury, loss and damage and loss of amenity.

**PARTICULARS OF INJURY**

- (a) massive crush injury to skull, including several fractures involving temporal bones and base of skull, fractures throughout left frontal, temporal, parietal bones, depression of bony fragments, and bilateral hemorrhagic contusions, requiring temporal craniotomy surgery, grafting of the dura, removal of the bone flap and right frontal temporal cranioplasty surgery;
- (b) large intracerebral haematoma in right temporal lobe requiring evacuation;
- (c) other small intracerebral haematomas requiring evacuation;
- (d) extensive brain swelling;
- (e) multiple lacerations to his scalp;
- (f) major wound to right side of face;
- (g) sinus bleed requiring endoscopic sinus surgery;
- (h) facial lacerations;
- (i) multiple bruises and lacerations on body, including back and knees;
- (j) fractured right scapula;

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- (k) pneumonia;
- (l) malnourishment and weight loss;
- (m) loss of bladder and bowel control;
- (n) severely impaired mental state requiring 24 hour supervision and assistance with activities of daily living;
- (o) severe cognitive dysfunction;
- (p) loss of speech;
- (q) delayed swallowing response;
- (r) impaired judgment and insight;
- (s) disorientation and confusion;
- (t) poor attention and concentration;
- (u) poor coordination; and
- (v) agitation, impulsivity and anxiety.

The Plaintiff will refer at the trial of this matter to the medical records of George Town Hospital, Baptist Hospital of Miami, HealthSouth Rehabilitation Hospital, Occupational

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Therapist Jason Banez, the Physical and Occupational Therapy Department of Chrissie Tomlinson Memorial Hospital, The Healing Touch Ltd., and Glidden Communications, Speech/Language Services, and the reports of Dr. Sarafoglu dated 4 February 2000 and 4 April 2000, and further and/or updated reports at the time of trial.

**PARTICULARS OF SPECIAL DAMAGES**

- (a) Medical expenses, specific particulars to be provided on discovery;
- (b) Travel, accommodation and living expenses for trips made to and time spent in Miami by the Plaintiff's family, specific particulars to be provided on discovery;
- (c) Expenses incurred by the Plaintiff's family relating to the care of the Plaintiff, specific particulars to be provided on discovery;
- (d) Past wage loss;
- (e) Future wage loss; and
- (f) Cost of future care.

A full Schedule of Special Damages will be filed prior to trial.

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

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AND THE PLAINTIFF claims:

- (i) Damages;
- (ii) Interest pursuant to s. 34(1) of the Judicature Law (1995 Revision); and
- (iii) Costs.

*Boxalls*

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Boxalls,  
Attorneys for the Plaintiff

This WRIT OF SUMMONS and STATEMENT OF CLAIM was issued by Boxalls, Attorneys at Law, whose address for service is: PO Box 1234GT, 3<sup>rd</sup> Floor, Queensgate House, South Church Street, George Town, Grand Cayman, British West Indies (Reference: 1771-0001/JCC).