

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

**LEGAL AID #133/99**

**CAUSE NO. 348 OF 2001**

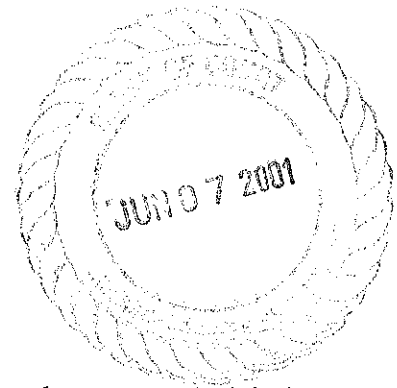
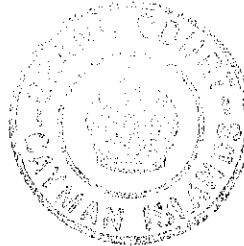
**BETWEEN NORMA JEANNIE ELIZABETH PADDYFOOT PLAINTIFF**

**AND (1) MARTY CHRISTIAN  
(2) YVONNE CHRISTIAN DEFENDANTS**

**WRIT OF SUMMONS**

TO: MARTY CHRISTIAN  
P.O. BOX 972  
GEORGE TOWN  
GRAND CAYMAN

AND TO: YVONNE CHRISTIAN  
C/O GALLERIA PLAZA  
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 fourteen (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 return the Acknowledgement 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 June 2001.

NOTE - This Writ may not be served later than four (4) calendar months (or, if leave is required to effect service out of the jurisdiction, six (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.

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

**LEGAL AID #133/99**

**CAUSE NO. OF 2001**

**BETWEEN NORMA JEANNIE ELIZABETH PADDYFOOT PLAINTIFF**

**AND (1) MARTY CHRISTIAN  
(2) YVONNE CHRISTIAN DEFENDANTS**

**STATEMENT OF CLAIM**

1. The Plaintiff was at all material times a passenger in a Nissan Sentra vehicle, registration #50862. The First Defendant was at all material times the driver of a Toyota Camry vehicle Registration # 61695. The Second Defendant is the registered owner of the vehicle driven by the First Defendant.
2. On the 3<sup>rd</sup> day of August 1999, whilst the Plaintiff was on West Bay Road, the Defendant drove and / or operated his motor vehicle in such a negligent manner that he collided with the vehicle in which the Plaintiff was a passenger.

**PARTICULARS OF NEGLIGENCE**

- a) Failing to keep any or any proper lookout or to have sufficient regard for other vehicles on the road.
  - b) Failing to see the Plaintiff's motor vehicle in sufficient time to avoid colliding therewith.
  - c) Failing to stop, to slow down, to swerve or in any other way so to manage or control the said motor car as to avoid the collision.
  - d) Failing to heed the presence of the Plaintiff's motor vehicle in the road.
  - e) Failing to give adequate warning of his approach.
  - f) Failing to defer to the Plaintiff's right of way
3. On the 11<sup>th</sup> of January, 2000, the 1<sup>st</sup> Defendant pleaded guilty in the Summary Court to charges arising from the said accident, namely careless driving and Driving without insurance, and sentenced to a fine of CI\$200.00 as to careless driving, a fine of CI\$400.00 and disqualification from driving for 12 months as to Driving without insurance.

4. As a result of the said accident the Plaintiff suffered injury and sustained loss and damage, and was unable to attend work for an extended period of time.

PARTICULARS OF INJURIES

- (a) Lower Back injury
- (b) Whiplash
- (c) Back Pains, and pain in left Hip
- (d) Neck Sprain and Strain

The Plaintiff was born on the 12<sup>th</sup> of August, 1962 and was 37 years of age at the date of the accident. She consulted the Emergency Department of the George Town Hospital on the same day, and received, and X-rays of the foot, hip, knee & spine, and was given a single dosage of medication. She also consulted Dr. Edlin Merren as a result of dental injuries sustained in the accident. She returned to work for a short period, however had to take leave as a result of severe pain and discomfort arising from the accident. She subsequently consulted Dr. John Addleson on many occasions for treatment.

Particulars of Special Damages

|  |           |
|--|-----------|
| a) Prescription Medication                 | \$8.00    |
| b) Dental Services                         | \$575.00  |
| c) Emergency Hospitalisation & Medication  | \$248.50  |
| d) Consultations with General Practitioner | \$495.00  |
| e) Lost Wages                              | \$3052.53 |

CI \$4,379.03

5. Further the Plaintiff claims pre and post judgement interest pursuant to section 34 of the Judicature Law (1995 Revision) and the Judgement Debts (Rates of Interest) Rules 2000 at the rate of EIGHT PERCENT; amounting to CI\$645.92 at the date of issue herein and accruing at the daily rate of CI\$0.95.

AND THE PLAINTIFF claims:

1. Damages
2. Interest pursuant to the Judicature Law as pleaded above;

3. Costs to be taxed if not agreed.

*Samson Murray Jackson*

---

Samson Murray Jackson  
Attorneys-at-Law for the Plaintiff

THIS WRIT OF SUMMONS was issued by Samson Murray Jackson, Attorneys-at-Law, for and on behalf of the Plaintiff herein whose address for service is the Sigma Building, Ground Floor, Hospital/Smith Roads, George Town, Grand Cayman.

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

**CAUSE NO. OF 2001**

**BETWEEN NORMA JEANNIE ELIZABETH PADDYFOOT PLAINTIFF**

**AND (1) MARTY CHRISTIAN  
(2) YVONNE CHRISTIAN DEFENDANTS**

**ACKNOWLEDGMENT 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 judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

---

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

---

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

yes

no

---

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 judgment entered by the Plaintiff (*tick box*)  -

yes

---

Service of the Writ is acknowledged accordingly

(Signed) -----

[Attorney] for

Address for Service:

Notes on address for service:

## Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement 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 a ( )” 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.

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS

1. The accompanying form of *Acknowledgement 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 Acknowledgement 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 endorsed 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 judgement is served on the Defendant.

If the defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgement 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 judgement 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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgement, 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.**

***Please complete overleaf***

*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 principal office.*

*Endorsement by plaintiff's Attorney (or by plaintiff is suing in person) of his name, address and reference, if any, in the box below.*

Samson Murray Jackson  
The Sigma Building, Ground Floor  
Hospital/Smith Roads  
George Town  
P.O. Box 10067 Airport Post Office  
Grand Cayman

*Endorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.*