

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. The Plaintiff is a Caymanian and resides in West Bay, Grand Cayman.
2. The Defendant is a Caymanian and resides in George Town, Grand Cayman.
3. On or about 9th March 2001 at approximately 11:00 pm the Plaintiff was a passenger in a Toyota Hiace van registration number 80205, which was being driven by one Noel Ebanks in a northerly direction along the Harquail By-Pass, George Town in the vicinity of Greenwood Drive, when a Honda CRV motor vehicle registration number 84865 being driven by the Defendant crossed over the centre line into the path of the vehicle being driven by Noel Ebanks, causing a head on collision.
4. The said collision was caused by the Defendant's negligence and or breach of statutory duty under Sections 59 and 60 of the Traffic Law (2001 Revision).

PARTICULARS

5. The Defendant was negligent and is guilty of breaches of the said statutory duties by:
 - (a) failure to exercise due care and attention when using the road and failing to having due regard for the safety and comfort of other road users such as the Plaintiff;
 - (b) failure to keep to the left half of the road;

- (c) failing to drive at such a speed and in such a manner and at such a distance from other vehicles to be able to stop in an emergency;
 - (d) failing to keep a proper look out and or heed the presence of the vehicle in which the Plaintiff was a passenger.
6. By reason of the Defendant's negligence and or breach of duty, the Plaintiff has suffered loss and damage.

PARTICULARS OF SPECIAL DAMAGES


The Plaintiff has incurred medical expenses and suffered loss of income as a result of the accident. Full particulars of the Plaintiff's special damages the losses of which are continuing, will be provided prior to trial.

7. The Plaintiff claims interest pursuant to Section 34(1) of the Judicature Law at the prescribed rate for such periods as the Court thinks fit for both general and special damages.

AND THE PLAINTIFF CLAIMS

- (i) Damages;
- (ii) Pre and post judgment interest pursuant to Section 34 of the Judicature Law;
- (iii) Further and/or other relief as may be just in the circumstances;
- (iv) Costs.

Dated this 16th day of October 2001.



C.S. GILL & CO.
Attorneys-at-Law for the Plaintiff

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 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.

C.S. GILL & CO.
4th Floor Genesis Building
PO Box 945
George Town
Grand Cayman
REF: SJB

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

**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, PO 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 the 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 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

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.