

Writ of Summons (O.6, r.1)

LEGAL AID no 28/01

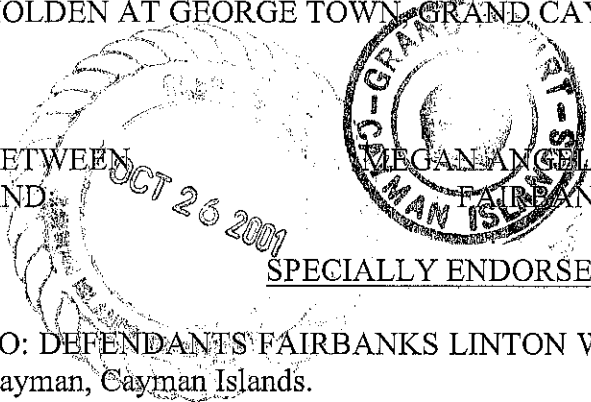
IN THE GRAND COURT OF THE CAYMAN ISLAND
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. ⁶⁶³ OF 2001

BETWEEN
AND

MEGAN ANGELLA GRIFFITHS
FAIRBANKS LINTON

PLAINTIFF
DEFENDANT



SPECIALLY ENDORSED WRIT OF SUMMONS

TO: DEFENDANTS FAIRBANKS LINTON Wood Pecker Drive, Lower Valley, 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 495G, 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 16 day of October 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.

IMPORTANT

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

STATEMENT OF CLAIM

1. On 6 December 2000, the defendant, so negligently drove a motor vehicle, registration number 70989, along Crewe Road, that it collided with the Plaintiff causing her to receive serious medical injuries.
2. Our client was travelling on a bus and had disembarked at her destination which was in the vicinity of Ross Dress for Less on Crewe Road. She was endeavouring to cross Crewe Road, the bus having stopped to let her cross, and a truck registration number 79957 which was travelling in the opposite direction had also stopped to permit the Plaintiff to cross the road.
3. There were a number of vehicles behind the bus, which had also stopped. The defendant overtook the stationary vehicles and the bus and collided with the Plaintiff.

PARTICULARS OF NEGLIGENCE

- (a) Driving at an excessive speed.
 - (b) Driving onto the wrong side of the road and there colliding with the Plaintiff.
 - (c) Failing to keep any or any proper lookout or to have any or any sufficient regard for any other traffic.
 - (d) Failing to stop, to slow down, to swerve, or in any other way so to manage or control the motor vehicle so as to avoid the collision.
4. By reason of the matters aforesaid, the Plaintiff sustained personal injuries and has suffered loss and damage.

PARTICULARS OF INJURIES

The Defendant's date of birth is 8 January 1963. Following the accident on 6 December 2000, the Plaintiff did not loose consciousness and suffered injuries, which included a crushed jaw and multiple fractures of her right leg.

PARTICULARS OF SPECIAL DAMAGE

Date	Description	Costs (CIS)
6 December 2000 to 30 April 2001	medical expenses	CIS\$5,894.00
6 December 2000 to date	Loss of income	CIS\$3,600.00

AND the Plaintiff claims

- (i) Damages
- (ii) Further, pursuant to The Judicature Law (1995 Revision), the Defendant is entitled to and claims interest on such sums as are found to be due at such rate and for such period as the Court shall think fit.
- (iii) Costs


WOODWARD TERRY & COMPANY

THIS WRIT was issued by Clyde H. Allen whose address for service is Woodward Terry & Company, Attorneys-At-Law PO Box 822 GT, West Wind Building, Harbour Drive and Fort Street, Grand Cayman, Cayman Islands, BWI.

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FAIRBANKS LINTON

PLAINTIFF
DEFENDANT

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 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 a 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: (please see overleaf)

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. H. Allen
Woodward Terry & Company
Attorneys-At-Law
PO Box 822 GT
West Wind Building
Harbour Drive and Fort Street
Grand Cayman
Cayman Islands

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

[Empty box for defendant's attorney indorsement]