

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

LEGAL AID no 157/01

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

CAUSE NO. ¹⁴⁸ OF 2002

BETWEEN
AND:

ULA MAY HEAVEN
ROBERT THOMPSON

PLAINTIFF
DEFENDANT

SPECIALLY ENDORSED WRIT OF SUMMONS

TO: DEFENDANTS ROBERT THOMPSON c/o A Steve McField & Associate, Mary
Street, PO Box 680 GT, 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.

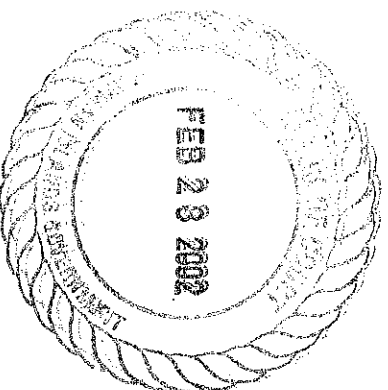
If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or
if you return the Acknowledgment without stating therein an intention to contest the
proceedings, the Plaintiff may proceed with the action and judgment may be entered
against you forthwith without further notice.

Issued this *21* day of February 2002.

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. At approximately 8:15 p.m. on 12 April 1999, the defendant, so negligently rode his Kawasaki motorcycle, registration number 555666, from Eastern Avenue along Nixon Way that at the junction of these two roads he rode his motorcycle in such a manner and at such a speed over and above the speed limit that he was unable to control it and collided with the Plaintiff, who was a pedestrian lawfully walking at the side of Nixon Road, causing her to receive serious personal injuries.

PARTICULARS OF NEGLIGENCE

- (a) Riding his motorcycle at a speed which was too fast in the circumstances.
- (b) Failing to keep any or any proper look-out or to have any or any sufficient regard for pedestrians walking along the side of the road.
- (c) Riding in such a manner and onto the side of the road and there colliding with the Plaintiff.
- (d) Failing to stop, to slow down, to swerve, or in any other way so to manage or control the motorcycle so as to avoid colliding with the pedestrian.

2. Further the Defendant was convicted on 5 December 2000 by the Summary Court sitting at George Town Grand Cayman of the offence of Careless driving contrary to section 69 of the Traffic Law (1999 Revision). The said conviction is relevant to the issue of negligence and the Plaintiff intends to rely on it as evidence in this action.

3. 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 26 June 1942. Following the accident on 12 April 1999, the Plaintiff did not lose consciousness. She suffered injuries, which include multiple fractures and lacerations to her legs. Further particulars appear in the medical report dated 16 January 2001 of Dr. Logan M. B., B.S., F.R.C.S and served herewith.

PARTICULARS OF SPECIAL DAMAGE

Date	Description	Costs (CIS\$)
4 April 2001 to date	expenses including plastic surgery	CIS\$12,666.46
4 April 1999 to date	Loss of income	CIS\$20,400.00

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.

DR. LEIGHTON G. LOGAN M.B., B.S., F.R.C.S.
CONSULTANT PLASTIC, RECONSTRUCTIVE AND HAND SURGEON

ISLAND MEDICAL ASSOCIATES
BOX 229 SAV SMITH ROAD PLAZA
SMITH ROAD, GEORGETOWN
GRAND CAYMAN, W.I.
TEL: (345) 946-3324

January 16, 2001

TO WHOM IT MAY CONCERN
MEDICAL REPORT
RE: U/LA HEAVEN - D.O.B-26/6/42
BOX 677, GT

For purposes of this report this patient was examined on the 12th instant.
The antecedent history is that she was involved in a road traffic accident on April 12, 1999, as a result of which she was admitted to the Georgetown Hospital for two days and thereafter followed up on an outpatient basis. There was no history of loss of consciousness.

Examination revealed scarring of both legs as follows:-

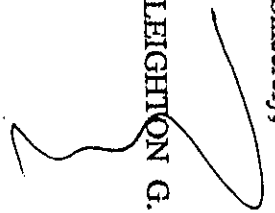
1. Right lower limb- (a). two scars to anteromedial thigh, each 3" long.
(b) Antero-medial calf semi-circular shaped, 7" long with depressed portion 1 1/2 " long.

2. Left leg - Medial lower third of calf, 2" long.

Her further management would involve scar revisional surgery followed by a course of superficial radiotherapy. No intralesional steroid injections are indicated because the amount involved would be too great and the side effects consequently also.

The expected improvement would be of the order of 60% -70% but complete eradication of the scars is not possible.

Sincerely,


LEIGHTON G. LOGAN, F.R.C.S.

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

LEGAL AID no.157/01

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

CAUSE NO. *148* OF 2001

BETWEEN
AND:

ULA MAY HEAVEN
ROBERT THOMPSON

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.

