



### **STATEMENT OF CLAIM**

1. On 26 March 1999 the defendant so negligently drove her motor vehicle, along Shamrock Road, that it ran into the rear of the Plaintiff's motor vehicle registration number 52 231 causing him to receive a whiplash type injury.

### **PARTICULARS OF NEGLIGENCE**

- (a) Driving at a speed which was excessive in the circumstances.
- (b) Failing to keep any or any proper lookout or to have any or any sufficient regard for the users of the road.
- (c) Driving the motor vehicle along the road without paying any or any sufficient regard to the heavy volume of traffic immediately ahead on the road.
- (d) Driving too close to the motor vehicle.
- (e) Running into the rear of the motor vehicle.
- (f) 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 or prevent 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 6 April 1973. Following the accident on 26 March 1999, the Plaintiff suffered pain in his neck. Further particulars appear in the medical report dated 28 April 1999 of Dr. B. Connolly and served herewith.

### **PARTICULARS OF SPECIAL DAMAGE**

Date	Description	Costs (CIS)
26 March 1999 to 15 April 1999	medical expenses	554.00
Chiropracter 5 July 2000	medical expenses	195.00

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.



Accident & Emergency  
Cayman Islands Hospital  
P. O. Box 915  
George Town  
Grand Cayman

Tel: (345) 949-8600 ext. 2790  
Fax: (345) 949-2998

April 28, 1999

To Whom It May Concern:

Re: Miguel McFarlane D.O.B: 6<sup>th</sup> March 1993 #125287

On the 26<sup>th</sup> March 1999 I examined Mr. Miguel McFarlane who alleged that he had been involved in a motor vehicle accident. Twenty minutes after the crash he started complaining of neck pain.

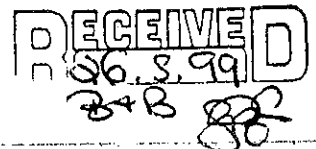
On examination, I found the patient to having tenderness of the right and left side of the neck. He was sent to the x-ray unit for a cervical spine x-ray. The report showed no bone injury.

Mr. McFarlane was treated and sent home with medication. He was also referred to the Physiotherapy unit for treatment.

Sincerely,

Dr. B. Connolly

A & E Officer.



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

CAUSE NO. 169 OF 2002

BETWEEN  
AND:

MIGUEL MCFARLANE  
LOUVEENIA DAVIS

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.

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

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

yes       no

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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

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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]