

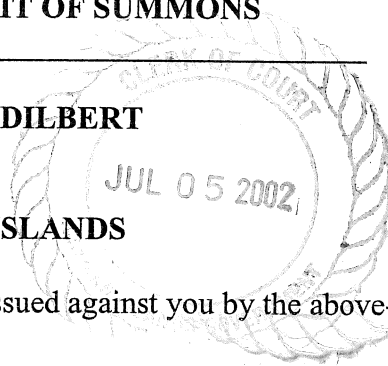
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 499 OF 2002

**BETWEEN:** (1) **TERRENCE CAUDEIRON** PLAINTIFFS  
(2) **EDWARD CAUDEIRON**  
**AND:** **TIMOTHY DILBERT** DEFENDANT

**WRIT OF SUMMONS**

**TO: THE DEFENDANT TIMOTHY DILBERT**  
**WEBSTERS DRIVE**  
**SOUTH SOUND**  
**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 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 495 GT, Grand Cayman, Cayman Islands, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement 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 July, 2002.

NOTE: This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the date of issued unless renewed by order of the Court.

**IMPORTANT**

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

This Writ of Summons is filed by Campbells, attorneys-at-law for and on behalf of the Plaintiff herein of P.O. Box 30722 SMB, Grand Cayman, whose address for service is 4<sup>th</sup> Floor, Scotiabank Building, P.O. Box 884 GT, Grand Cayman, B.W.I.



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**PARTICULARS OF NEGLIGENCE**

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- A. Failing to keep a proper look out, or any look out at all.
  - B. Failing to heed the presence of another vehicle on the road.
  - C. Failing to have sufficient regard for other users of the road.
  - D. Failing to see the First Plaintiff's vehicle and failing to avoid a collision with the First Plaintiff's vehicle.
  - E. Driving out into the road into the path of the First Plaintiff's vehicle.
  - F. Failing to give adequate warning or any warning of his vehicle's approach.
  - G. Failing to stop, slow down, swerve or in any other way manage or control his vehicle to avoid the collision.
5. By reason of the Defendant's said negligence, the First and Second Plaintiffs have sustained personal injuries and loss and damage.

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## PARTICULARS OF INJURIES

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- a. The First Plaintiff was aged 45 at the time of the accident. As a result of the collision she suffered cuts to her neck and chin, swelling to her neck and bruising to her chest.
  
- b. The Second Plaintiff was aged 19 at the time of the accident. As a result of the accident the Second Plaintiff sustained two deep cuts to his chin and several other cuts and bruises to his face, neck and arms and injuries to his back and legs. In addition the Second Plaintiff sustained a traumatic cataract to his right eye. Further particulars of the injuries sustained by the Second Plaintiff and treatment received subsequent to the accident are provided in the medical reports appended hereto as Appendix "1". The Second Plaintiff's future prognosis and further medical treatment remains uncertain but it is reasonably anticipated that he will suffer loss of amenity as a result of the injury for the rest of his life.

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**PARTICULARS OF SPECIAL DAMAGES**

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- a. Particulars of the Plaintiffs' special damages are set out in the Schedule appended hereto marked Appendix "2".
  - b. In addition the Second Plaintiff is likely to suffer a handicap or disadvantage in the labour market which will result in his future earnings being less than they otherwise would have been but for the accident.
6. The Plaintiffs are entitled to and claim interest on general and special damages pursuant to the provisions of Section 34 of the Judicature Law (1995 Revision) at such rate as the Court thinks fit.

**AND THE PLAINTIFFS CLAIM:**

1. Damages as aforesaid.
2. Pre and post judgment interest in accordance with Section 34 Judicature Law (1995 Revision).

3. Such further or other relief as this Honorable Court thinks fit.
  
4. Costs.

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**STATEMENT REGARDING INTEREST**  
**(GCR ORDER 6 RULE 2(f))**

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1. The prescribed rate of interest on the Plaintiffs' claims for special damages are:
  - (a) From 25<sup>th</sup> September 2000 to 1<sup>st</sup> June 2001 @8%.
  - (b) From 1<sup>st</sup> June 2001 to 30<sup>th</sup> November 2001 @6 ¼ %.
  - (c) From 1<sup>st</sup> December 2001 to date @4 ½ %.
  
2. Total interest claimed to date CI\$
  
3. The rate of interest claimed on the Plaintiffs' claim for general damages is 4%.

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**INDORSEMENT REGARDING INSURER**  
**(GCR ORDER 6 RULE 4)**

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1. The vehicle being driven by the Defendant was uninsured.

Dated the 5<sup>th</sup> day of July 2002.

Campbells  
CAMPBELLS, Attorneys at Law for the  
First and Second Plaintiffs

This Writ and Statement of Claim was filed by Campbells, Attorneys for Plaintiffs, whose address for service is Fourth Floor, Scotia Bank Building, George Town Grand Cayman. (JRM/tab/09766).

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

**CAUSE NO: OF 2002**

**BETWEEN: (3) TERRENCE CAUDEIRON  
(4) EDWARD CAUDEIRON**

**PLAINTIFFS**

**AND: TIMOTHY DILBERT**

**DEFENDANT**

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**APPENDIX 1**

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*Cayman Islands Health Service Eye Clinic*



Dr Eugene Foley (FRCS DO)  
Lion's Eye Clinic  
P. O. Box 915  
George Town  
Grand Cayman  
British West Indies  
Tel: (345) 949-8600 x 2818  
Fax: (345) 949-2998

**19/07/01**  
**Medical Report**

**Patient Name:** Edward Caudeiron

**D.O.B.:** 23/8/81

**Date of Accident:** 25/9/2000

**History of accident:**

The car in which he was a front seat passenger collided with another car a low speed. Deployment of the cars air bag caused trauma to the right eye.

**Date of assessment:**

Initial ophthalmic assessment was carried out by another ophthalmologist I assessed Edward on 6/10/01 and subsequently on 4/04/01, 6/06/01, 20/06/01 and most recently on 13/7/01.

**Past Ophthalmic History:** Moderate Myopia

**Ophthalmic Assessment:**

On initial assessment best corrected visual acuity in the right eye was 20/70 and in the left eye 20/25. There was an enlarged unreactive pupil in the right eye, the pupil in the left eye was normal. There was no afferent pupil defect. Examination of the right lens revealed moderate posterior subcapsular cataract formation right eye, the left lens was normal. Assessment of right retina provided a hazy view to the right retina which precluded detailed assessment, no retinal abnormality was revealed at that time. Left retina examination was normal.

Further assessment on 4/04/01 revealed a best corrected visual acuity of 20/100 in the right eye. The right cataract had progressed. The right pupil had traumatic dilation at 5mm while the left pupil was normal in diameter at 2.2mm both measurements taken under direct slit-lamp illumination. Gonioscopy revealed 360 drainage angle recession in the right eye, the left drainage angle was normal. At that time it was decided to perform cataract surgery right eye in order to restore vision. Post traumatic cataracts are associated with increased risks of surgical complications so the patient was referred to Dr. Robert Cionni at Cincinnati Eye Institute, Dr. Cionni subspecialises in post traumatic cataract surgery.

**Ophthalmic Treatment/Surgery:**

Surgery was performed successfully on 31/05/01 by Dr. Cionni. At the time of surgery weakness of some of the lens supporting zonules was present. On the first day post operatively a retinal tear was noted in the right eye. Laser repair was performed successfully immediately.

**Progress:**

The best corrected visual acuity as recorded on 13/07/01 was 20/20 in the right eye with correction.

**Effect on Studies:**

The patient did report great difficulty with double vision, headaches and eyestrain while preparing for his exams. The type of cataract that developed was a posterior subcapsular cataract. This morphological type of cataract is well known to be very visually disabling. A cataract like this can cause extreme visual blurring, glare, double vision, eyestrain and headache. There is no doubt that his eye injury created great difficulties for Edward in his demanding law studies during the past year.

**Prognosis:**

Although the right eye has done well in the early postoperative period the prognosis remains uncertain. The chance of his maintaining useful vision in the right eye for the course of her life is probably in the region of 50%. Potential complications include retinal detachment, glaucoma, implant dislocation, cellophane maculopathy and corneal decompensation. There is a very high probability that further complications and surgery will be needed for this eye during the course of his lifetime.

He now has an artificial lens implant in his right eye which does not focus for close work like a natural human lens. This requires him to wear reading glasses to enable him to focus for close. Reading

spectacles normally become necessary from the age of 45 years of age. In Edwards case this inconvenience has occurred approximately 25 years prematurely as a result of this accident.

He will require frequent follow up of his right eye for the rest of his life

  
Dr Eugene Foley

Miss. Sandra Eden Watler,  
Charles Adams Ritchie Duckworth,  
Box 709 GT,  
South Church Street,  
George Town,  
Grand Cayman,  
Cayman Islands.

Dear Mrs. Watler,  
Re: Edward Ceudeiron,

Mr. Ceudeiron was seen by me on the 29<sup>th</sup>. Of September as an emergency patient and he gave a history of being involved in an car accident. He has seen me before on many occasions as he wears glasses. On Examination that day the findings are as follows:

Vision:

OD: Only Light Perception  
OS: 20/20 with Glasses

Anterior Segment Examination:

OD:

Lids: Swollen

Conjunctiva: Congested and red with mild Chemosis

Cornea: 4mm. of corneal abrasion involving the pupillary are,  
with evidence of a clot stuck to the Endothelial lining.

A/C: Filled with blood covering the pupillary area.

Pupil, Lens : Cannot be seen due to the blood in the A/C

Posterior Segment: Details not seen due to the blood in the A/C

IOP: 24mm. of Hg.

Ultrasound : Showed intact Posterior Segment

OS



Normal Anterior and Posterior Segments with the IOP of 14mm.of Hg.

Diagnosis: ( 29-8-2000 )

1. Traumatic Corneal Abrasion OD
2. Traumatic Hyphema OD
3. Secondary Glaucoma OD

He was treated with Steroids both topically and orally and was given anti Glaucoma medications.

It took nearly ten days for the Hyphema to clear and when the clarity improved there was evidence of a traumatic Cataract both anterior and posterior sub capsular. He also has Dilated Pupil due the injury. The dilated Pupil is giving him severe glare problems.

His vision has reduced to 20/80 with correction and I believe he will require Cataract Surgery to improve his vision.

He will need a constant follow up as he there can be delayed complications after such injuries as Glaucoma, and Retinal Changes.

After the Cataract Surgery again he may need Capsulotomy , and if there is any complication like retinal detachment or glaucoma he may need further management.

I hope this report will give all the details you want and if need more information please call me.

Thanking You,

Yours truly,



KRISHNA MANI  
1<sup>st</sup>, March , 2001.

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

**CAUSE NO: OF 2002**

**BETWEEN: (5) TERRENCE CAUDEIRON  
(6) EDWARD CAUDEIRON**

**PLAINTIFFS**

**AND: TIMOTHY DILBERT**

**DEFENDANT**

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**APPENDIX 2**

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## SCHEDULE OF SPECIAL DAMAGES

### Vehicle Repair:

Removal of Air bags	CIS 65.00	
Car repair (Less Airbags)	CIS 1,306.72	
Car Rental while car is repaired	CIS 50.00	
Install temporary Horn (31/8/01)	CIS 103.71	
Cost of Airbags	CIS 2,293.24	
		<b>CI \$3,818.67</b>

### Medical Expenses:

#### Ophthalmologists:

Dr Mani CIS 2,110.00

#### Dr. Eugene Foley:

October 6, 2000	CIS\$40.00
October 14, 2000	CIS\$40.00
April 4, 2001	CIS\$40.00
June 6, 2001	CIS\$40.00
June 13, 2001	CIS\$40.00
June 20,2001	CIS\$40.00
July 13, 2001	CIS\$40.00
July 20, 2001	CIS\$40.00
August 20,2001	CIS\$40.00
September 20, 2001	CIS\$40.00
November 20, 2001	CIS\$40.00
May 1, 2002	CIS\$50.00
June 13, 2002	CIS\$50.00
	<b>CI \$540.00.00</b>

Prescription Drugs:

25 <sup>th</sup> September 2000	PREDforte	CIS	6.95	
	Maxitrol	CIS	19.35	
	Acetazolamide	CIS	4.50	
	Prednisone	CIS	6.00	
Dr. Foley 13/7/01	Prednisone	CIS	6.90	
20/8/01	Prednisone	CIS	6.90	
		<b>CI</b>		<b>\$50.60</b>

Overseas Medical Expenses:

Dr. Robert Cionni, Cincinnati Eye Institute:

Cataract Surgery (including stitches  
in iris and sealing the retina): US\$7,925.00 or **CI \$6,657.00**

Necessary Eyewear:

Prescription Eyewear (glasses) to accommodate imbalance until Cataract surgery (10/00)	CIS	228.00	
Reading glasses (18/7/01)	CIS	126.00	
Progressive lenses (3/9/01)	CIS	236.00	
Persistent Glare lenses (27/2/02)	CIS	389.50	
	<b>CIS</b>		<b>979.50</b>

Travel Costs:

Air Fares (to and from Cincinnati)	US\$	1764.20	
Accommodation (Clarion Hotel)	US\$	697.17	
Transportation to and from Airport	US\$	80.00	
Transportation within Cincinnati	US\$	60.00	
Meals	<u>US\$</u>	<u>240.10</u>	
Total	US\$	2841.47	<b>CI \$2,386.83</b>

Long Distance Telephone: **CIS 118.56**

Meals During Travel for Surgery May 28 – June 03 2001:

	Breakfast	Lunch	Dinner
28th May 2001		15.22	19.89
29th May 2001	11.13	15.49	19.89
30th May 2001	8.87	15.22	19.89
31st May 2001	8.87	15.22	29.63
1st June 2001	8.87	15.22	35.03
2nd June 2001	4.19	15.22	19.89
3rd June 2001	7.39	15.22	19.89
Sub-Totals:	US\$34.00 CI\$28.56	US\$ 106.81 CI\$89.72	US\$99.45 CI\$83.38

**CI \$201.66**

**GRAND TOTAL**

**CI\$16,862.82**

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. \_\_\_\_ OF 2002

**BETWEEN:** (1) **TERRENCE CAUDEIRON** **PLAINTIFFS**  
(2) **EDWARD CAUDEIRON**

**AND:** **TIMOTHY DILBERT** **DEFENDANT**

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**ACKNOWLEDGEMENT OF SERVICE  
OF WRIT OF SUMMONS**

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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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2. 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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3. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)  
 yes  no

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4. 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  no

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Service of the Writ is acknowledged accordingly

**CAMPBELLS**

Attorneys at Law for the Defendant

**Address for service:**

4<sup>th</sup> Floor, Scotiabank Building

PO Box 884 GT

George Town

Grand Cayman

## 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.*

<p><b>Campbells</b> <b>4<sup>th</sup> Floor Scotiabank Building</b> <b>George Town</b> <b>Grand Cayman</b></p> <p><b>Tel: 949 2648</b> <b>Fax: 949 8613</b></p>
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*Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.*

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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, P.O. Box 495, George Town, Grand Cayman

2. A Defendant who states in his Acknowledgment 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 indorsed 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 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 Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, 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 installments 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 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 (.....)" 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 his 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.