



LEGAL AID

IN THE GRAND COURT OF THE CAYMAN ISLAND

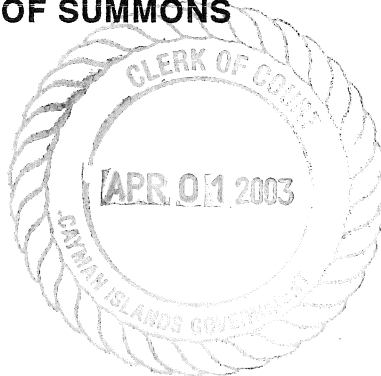
CAUSE NO. 226 of 2003

BETWEEN: MELVA PARKINSON PLAINTIFF
AND; CORPORATE ELECTRIC LTD. FIRST DEFENDANT
AND: DAVID JOHNSON SECOND DEFENDANT

WRIT OF SUMMONS

TO; Corporate Electric Ltd
GRAND CAYMAN

AND TO: David Johnson
c/o Corporate Electric Ltd
George Town
GRAND CAYMAN



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 495 G, George Town, Grand Cayman, 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 Judgement may be entered against you forthwith without further notice.

Issued this day of April, 2003.

NOTE: This Writ may not be served later than 4 calender months beginning with the date of the 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 Jamaican National, who is a resident of Grand Cayman and who has been so resident for a continuous period of approximately 3 1/2 years to date. At the material time she was the driver of Toyota motor vehicle, registration No. 77423 travelling on Thomas Russell Way towards North Sound Way, at the junction of Thomas Russell Way/Crewe Road/North Sound Way, in George Town, Grand Cayman. She is 32 years old having been born on 13th November, 1970. At the time of the accident whereby she sustained personal injuries the Plaintiff was 31 years old.

2 The First Defendant is a company duly incorporated and registered in the Cayman Islands and at the material time it was the employer of the Second Defendant and also the owner of the motor vehicle registration No. 83552, driven by the Second Defendant. The Second Defendant at the time of the accident was acting as the agent and/or servant of the First Defendant.

3 The Second Defendant is a resident of the Cayman Islands and at the material time he was an employee of the First Defendant and the driver of motor vehicle, Chevy Truck registration No. 83552, which vehicle at the material time was owned by the First Defendant. In the course of his employment, and acting as the First Defendant's servant and/or agent, the Second Defendant at the material time was travelling on North Sound Road, turning on to Shedden Road at the Thomas Russell Way/Crewe Road/ North Sound Way junction in George Town, Grand Cayman.

4 On 7th June, 2002 at approximately 2:20pm the Plaintiff was travelling on Thomas Russell Way, in George Town Grand Cayman heading towards North Sound Road, which is a straight road with a set of street lights located at the top of Thomas Russell Way, heading on to North Sound Road. The Second Defendant was travelling from North Sound Road making a right hand turn on to Shedden Road. A set of street lights are located at the top of the North Sound Road which governs the right hand turn, which the Second Defendant was making. The Plaintiff on checking that the street light governing her onward journey from Thomas Russell Way to North Sound Road was green, proceeded on to the said North Sound Road as she had the right of way, but as she did so the Second Defendant made a right hand turn in her path and collided with her vehicle. The Second Defendant, at the scene of the accident accepted full responsibility for the said accident to the Police who investigated same.

5 The Second Defendant was subsequently charged with Careless Driving in relation to the said accident and was convicted on 15th August, 2002 at which time he was fined C\$200.00 or 30 days imprisonment in default of payment of the said Fine and his driver's license was Endorsed. The Plaintiff will rely upon the said conviction in the Summary Court for its full terms and legal effect.

6 The accident was caused by the negligence of the First Defendant and/or its servant or agent, the Second Defendant.

PARTICULARS OF NEGLIGENCE

David Johnson, the Second Defendant was negligent in that he:

(a) proceeded to make a right hand turn in the path of the Plaintiff who was travelling on a straight road, and who had the right of way;

- (b) collided with the Plaintiff's motor vehicle;
- (c) failed to keep any or any proper look out;
- (d) Failed to see and/or heed the traffic light governing his right hand turn;
- (e) Failed to heed or take adequate notice of the Plaintiff's vehicle which was travelling on a straight road and had the right of way;
- (f) Failed to allow the Plaintiff the right of way to which she was entitled;
- (f) Failed to stop, to slow down, to swerve or in any other way control his vehicle as to avoid colliding with the Plaintiff's vehicle.

7 On 15th August, 2002 at the George Town Summary Court, the Second Defendant was convicted of driving without due care and attention pursuant to section 69 of the Traffic Law (1999 Revision). Those proceedings arose out of the traffic accident, which forms the basis for this action. The conviction is relevant to these proceedings and the Plaintiff will rely upon it as prima facie evidence of negligence on the part of the Second Defendant for himself and as servant or agent of the First Defendant.

8 By reason of the matters aforesaid the Plaintiff, who was born on 13th November, 1970, suffered injury, loss and damage.

PARTICULARS OF INJURY

- (a) Pain and shock
- (b) Whiplash
- (c) Severe muscle strain of her neck ;
- (d) Strain of her left shoulder rotator cuff ;
- (e) Myofascial sprain of her cervical spine;
- (f) Muscle spasms;

The Plaintiff was unable to continue in her previous employment as a salad chef, due to her injuries. She was also placed at a temporary disadvantage on the labour market as her ability to lift items above her shoulder level is limited if the objects are more than 5 pounds. In addition she tires easily.

8 The Plaintiff as a result of inter alia her injuries has had her employment with her employer of three years, the Crow's Nest Restaurant, terminated.

9 By reason of the Plaintiff's injuries and the negligence of the Defendants, the Plaintiff has sustained injuries and has thereby been put to expense and has suffered loss and damage.

PARTICULARS OF SPECIAL DAMAGE

(a) Medical Expenses (excluding those already paid by the First Defendant's insurers)

(i) Cayman Orthopaedic Group (26.8.2002)	CI\$ 70.00
(ii) Cayman Orthopaedic Group (medical Report) (1st October, 2002)	CI\$ 500.00
(iii) Dr Vivek (Medical Report - 10.12.2002)	CI\$ 50.00 -
(iv) Dr Marzouca (27.02.03)	CI\$ 110.00
	<hr/> CI\$ 730.00

The Plaintiff's medical expenses are continuing.

(b) Loss of Earnings - 3 months @ CI\$1,200.00 per month (minus amount paid by the First Defendant's insurance)	CI\$3,600.00 (640.00)
	<hr/> CI\$2,960.00

(c) Medicines (excluding those paid by the First Defendant's insurers)

(i) Kirk Pharmacy (27.02.03)	CI\$ 26.01
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(d) Payment for Police Report of Accident	CI\$ 75.00
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AND THE Plaintiff says 'res ipsa loquiter'.

AND THE PLAINTIFF CLAIMS:

- (1) Damages
- (2) Statutory Interest
- (3) Costs

Dated this 1st day of April, 2003.


BROOKS & BROOKS
 Attorneys At Law for the Plaintiff

To: The Clerk of the Courts

STATEMENT REGARDING INTEREST

- (i) The prescribed rate of interest during the relevant period is 8% since 7th June, 2002.
- (ii) The date from which interest is calculated is 7th June, 2002 and the date of issue of this Writ.

THIS WRIT OF SUMMONS was filed by Brooks & Brooks Attorneys At Law for and on behalf of the Plaintiff herein whose address for future service of process is that of his said Attorneys At Law One, Artillery Court , P O Box 1355GT GRAND CAYMAN

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ²²⁶ of 2003

BETWEEN: MELVA PARKINSON PLAINTIFF
AND; CORPORATE ELECTRIC FIRST DEFENDANT
AND: DAVID JOHNSON SECOND DEFENDANT

ACKNOWLEDGEMENT 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 judgement 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

11

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 judgement entered by the Plaintiff(Please tick box)

Yes

No

Service of Writ is acknowledged accordingly

Signed _____

Please complete oveleaf

(Attorney) for

(Defendant in Person)

Address for service:

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 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 the Plaintiff's Attorney (or by the plaintiff if suing in person) of his name, address and residence, if any in the box below

**Brooks & Brooks
Attorneys At Law
P O Box 1355 GT
GRAND CAYMAN**

(One, Artillery Court, George Town, Grand Cayman)

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

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ²²⁶ of 2003

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(Attorney) for

(Defendant in Person)

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Indorsement by the Plaintiff's Attorney (or by the plaintiff if suing in person) of his name, address and residence, if any in the box below

**Brooks & Brooks
Attorneys At Law
P O Box 1355 GT
GRAND CAYMAN**

(One, Artillery Court, George Town, Grand Cayman)

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

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CAUSE NO. ²²⁶ of 2003

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AND;	CORPORATE ELECTRIC	FIRST DEFENDANT
AND:	DAVID JOHNSON	SECOND DEFENDANT

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(Attorney) for

(Defendant in Person)

Address for service:

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Indorsement by the Plaintiff's Attorney (or by the plaintiff if suing in person) of his name, address and residence, if any in the box below

**Brooks & Brooks
Attorneys At Law
P O Box 1355 GT
GRAND CAYMAN**

(One, Artillery Court, George Town, Grand Cayman)

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