

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO.: 679 OF 2003

BETWEEN: THE ADMINISTRATOR GENERAL OF JAMAICA  
ADMINISTRATOR OF THE ESTATE OF FITZROY  
ANTHONY HAUGHTON  
PLAINTIFF

AND: ANTHONY DOUGLAS ECHENIQUE  
DEFENDANT



WRIT OF SUMMONS



TO: ANTHONY DOUGLAS ECHENIQUE  
George Town  
Grand Cayman, Cayman Islands

THIS WRIT OF SUMMONS has been issued against you by the above-mentioned 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. George Town, 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 16<sup>th</sup> day of October 2003.

**NOTE:** This Writ may not be served later than four (4) calendar months (or if leave is required to effect service out of the jurisdiction, six (6) months) beginning with the date of re-issue unless renewed by Order of the Court

### **IMPORTANT**

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

### **INDORSEMENT**

The Plaintiff claims as Administrator of the Estate of FITZROY ANTHONY HAUGHTON, deceased, for:-

1. Damages under the Torts (Reform) Law (1996 Revision) for the benefit of the dependants of the deceased, and:
2. Damages under the Estates Proceedings Law (1995 Revision) for the benefit of the deceased's estate;

arising out of the death of the deceased on or about the 22<sup>nd</sup> day of October 2002 by reason of the breach of statutory duty/and or negligence of the Defendant at North Church Street in the vicinity of Blackbeards Rum Factory, George Town, Grand Cayman, Cayman Islands on or about the 18<sup>th</sup> day of October, 2002;

In consequence of which the deceased died on or about the 22<sup>nd</sup> day of October, 2002.

**AND THE PLAINTIFF CLAIMS:**

- (i) Damages
- (ii) Interest as per the applicable Statutory Rate;
- (iii) Costs to be taxed or agreed.

Dated this 16<sup>th</sup> day of October 2003



**ADRIANNIE E. WEBB**

Attorney-at-Law for the Plaintiff

**THIS WRIT OF SUMMONS IS FILED** by Adriannie E. Webb, Attorney-at-Law, P.O. Box 10192APO, Cayman Shipping Centre (Second Floor), George Town, Grand Cayman, Cayman Islands, Attorney-at-Law for the Plaintiff herein whose address for service is that of its said Attorney-at-Law.

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

**CAUSE NO.:** 679 **OF 2003**

**BETWEEN:**           **THE ADMINISTRATOR GENERAL OF JAMAICA  
ADMINISTRATOR OF THE ESTATE OF FITZROY  
ANTHONY HAUGHTON**

**PLAINTIFF**

**AND:**               **ANTHONY DOUGLAS ECHENIQUE**

**DEFENDANT**

**STATEMENT OF CLAIM AGAINST THE DEFENDANT**

1. The Plaintiff is the Administrator General of the Island of Jamaica and the Administrator of the Estate of Fitzroy Anthony Haughton, who is hereafter referred to as "the Deceased", and brings this action for the benefit of the dependents of the Deceased under the provisions of the Torts (Reform) Law (1996 Revision) and for the benefit of the estate of the Deceased under the Estates Proceedings Law (1995 Revision) as amended.
2. Letters of Administration were taken out in the Supreme Court of Judicature of Jamaica on the 27<sup>th</sup> day of June 2003 and resealed in the Grand Court of the Cayman Islands on the 1<sup>st</sup> day of October 2003
3. The Defendant was at all materials times a resident of the Cayman Islands and the driver of a Ford Explorer motor vehicle bearing registration number 82 593.
4. On or about the 18<sup>th</sup> day of October 2002 the Deceased was walking along the roadside of North Church Street, George Town, Grand Cayman in the vicinity of Blackbeards Rum Factory when he was knocked down by a motor vehicle, being Ford Explorer Registration Number 82 593 driven by the Defendant who was traveling along North Church Street, George Town in a westerly direction.
5. The said collision was caused by the negligence/and or breach of statutory duty imposed by virtue of the Traffic Law on the Defendant

**PARTICULARS OF NEGLIGENCE**

The Defendant was negligent and/or in breach of his statutory duty in that he

- (a) Failed to keep any or any proper look out or to have any sufficient regard for pedestrians on or near the roadside and in particular to pedestrians walking on the side of the road;
- (b) Failed to apply the brakes of his said motor vehicle in time or at all so as to avoid colliding with the Deceased;
- (c) Failed to stop, steer, guide and/or otherwise control his said motor vehicle so as to avoid the said collision;
- (d) Failed to give any warning of his approach and the danger he posed to pedestrians in general and to the Deceased in particular;
- (e) Failed to drive at such speed and in such manner and at such a distance from pedestrians on or by the roadside so as to be able to stop his vehicle in time to avoid the collision
- (f) Drove too fast and/or without due care and attention in all the circumstances;
- (g) Driving at a time and in circumstances where he knew or ought to have known that it was dangerous for him so to drive given the fact that road conditions were wet due to heavy rainfall earlier in the evening
- (h) The Plaintiff will further rely on the maxim res ipsa loquitur in proof of the Defendant's negligence and/or breach of statutory duty.

**PARTICULARS PURSUANT TO STATUTE**

1. The persons for whose benefit this action is brought are all dependent's of the Deceased, namely
  - (a) Janet Haughton, widow of the Deceased, aged 34, born on the 16<sup>th</sup> day of February, 1969;
  - (b) Shanique Kimberley Haughton daughter, born on the 17<sup>th</sup> day of November, 1990, now aged 12 years

(c) Sherika Carter, stepdaughter born on the 7<sup>th</sup> day of November 1988, now aged 14;

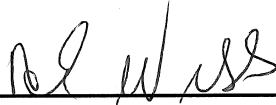
(d) Merlene Blackwood, mother of the Deceased aged 54, born on the 15<sup>th</sup> December, 1948;

2. The nature of the claim is that the Deceased, who was aged 33 years at the time of death was a strong, healthy man who had worked continuously for Desnoes & Geddes Limited in Jamaica first as a casual worker then later as Caustic Attendant in the Cellars Department for a period of approximately six years earning an average annual salary of US\$6,136.10. He also worked as a night counselor with the Cayman Islands Marine Institute for two years earning an average salary of CI\$1,791.66 per month and was so employed at the time of his death. A substantial part of his income was spent for the benefit of the said dependents and this would have continued had he remained alive
3. The funeral expenses were US\$3,116.67.

**AND THE PLAINTIFF CLAIMS:**

- (i) Under the Torts (Reform) Law (1996 Revision) damages for the aforesaid dependents of the Deceased; and
- (ii) Under the Estates Proceedings Law (1995 Revision), damages for the benefit of the Estate of the Deceased.

Dated this 16<sup>th</sup> day of October 2003



**ADRIANNIE E. WEBB**

Attorney-at-Law for the Plaintiff

TO: THE CLERK OF THE COURTS

AND TO: ANTHONY DOUGLAS ECHENIQUE  
GEORGE TOWN  
GRAND CAYMAN

**THIS STATEMENT OF CLAIM IS FILED** by Adriannie E. Webb, Attorney-at-Law, P.O. Box 10192APO, Cayman Shipping Centre (Second Floor), George Town, Grand Cayman, Cayman Islands, Attorney-at-Law for the Plaintiff herein whose address for service is that of its said Attorney-at-Law.

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ANTHONY HAUGHTON  
PLAINTIFF

AND: ANYHONY DOUGLAS ECHENIQUE  
DEFENDANT

**ACKNOWLEDGEMENT OF SERVICE**  
**OF WRIT OF SUMMONS**

If you intend to instruct an Attorney to act for you, give him this 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 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: \_\_\_\_\_

[Defendant in person] \_\_\_\_\_

Address for service: \_\_\_\_\_

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**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 case of a limited company, "residence" means its registered or principle 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.*

Adriannie E. Webb  
Attorney-at-Law  
Thompson Shipping Centre Building, Second Floor  
Eastern Avenue,  
P.O. Box 10192APO  
George Town, Grand Cayman

*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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