

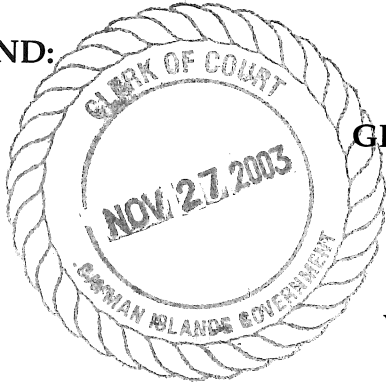
IN THE GRAND COURT OF THE CAYMAN ISLANDS

772
CAUSE NO: OF 2003

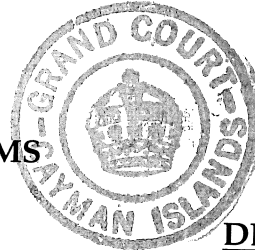
BETWEEN:

JANICE KLOTZ

AND:



GRANVILLE WILLIAMS



PLAINTIFF

DEFENDANT

WRIT OF SUMMONS

TO: Granville Williams, P.O. Box 31543 SMB, 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 herein.

Within 14 days after 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 495GT, 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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 27th day of NOVEMBER 2003.

NOTE - This Writ may not be served later than 4 calendar months beginning with that date unless renewed by order of the Court.

IMPORTANT

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

This WRIT OF SUMMONS was issued on behalf of the Plaintiff by Solomon Harris, Attorneys-at-Law, whose address for service is: P.O. Box 1990, 2nd Floor, FirstCaribbean House, George Town, Grand Cayman, Cayman Islands, British West Indies.

STATEMENT OF CLAIM

1. At all material times, the Plaintiff was a passenger in a motor vehicle Toyota Lite Ace van, which bears Registration No. 68112 and at material times such motor vehicle was owned by the driver, Mr. Robert Klotz, the husband of the Plaintiff.
2. On Tuesday, 19th day of March 2002, at approximately 2:15 p.m. the Plaintiff's husband drove the aforesaid Toyota vehicle east along Shamrock Road and upon reaching the vicinity of Spotts Newlands Road, a Ford Aerostar with registration no. 51161, negligently driven by the Defendant, who was exiting out of Spotts Newlands Road and onto Shamrock Road, collided with the passenger side of the vehicle in which the Plaintiff was a passenger and severely damaged and overturned the vehicle in which the Plaintiff was a passenger ("the Accident")
3. The Plaintiff was extricated from the damaged vehicle and then taken by ambulance to the emergency room of the Cayman Islands Health Services, where she was examined and treated for injuries she suffered as a result of the Accident. Severe injuries to her back and knee were identified to have resulted from the Accident. The Plaintiff was admitted to Cayman Islands Health Services Hospital.
4. At the time of the Accident the Plaintiff was fifty seven years and 11 months old.
5. After two days, she was discharged from the Cayman Islands Health Services Hospital and was subsequently advised to seek the consultation of a spinal surgeon.
6. Following her discharge from the Cayman Islands Health Services, the Plaintiff received treatment for her injuries as a result of the Accident from several doctors and underwent numerous surgeries in connection with the injuries to her back and knees, both in the United States and in the Cayman Islands.
7. The Plaintiff's treatment for the injuries suffered as a result of the Accident is ongoing and her prognosis can not yet be determined. However, the injuries suffered as a result of the accident have permanently affected the Plaintiff's physical abilities to the extent where she has lost her job due to her physical inability to perform her job functions and she is unable to do routine housework or play with and care for her young grandchildren.
8. The aforesaid collision, damage and personal injuries were caused solely by the negligence of the Defendant.

This WRIT OF SUMMONS was issued on behalf of the Plaintiff by Solomon Harris, Attorneys-at-Law, whose address for service is: P.O. Box 1990, 2nd Floor, FirstCaribbean House, George Town, Grand Cayman, Cayman Islands, British West Indies.

Particulars of Negligence

- 8.1 Driving at too fast a rate of speed in the circumstances.
 - 8.2 Failing to stop or slow down in order to avoid the collision.
 - 8.3 Failing to have any or any sufficient regard for traffic that was or might reasonably be expected to be travelling along the well known Shamrock Road when emerging from the Exit from the Spotts Newlands Road.
 - 8.4 Failing to keep any or any proper lookout.
 - 8.5 Failing to see the Plaintiff's car in time or at all.
 - 8.6 Failing adequately or at all to observe or heed the presence of the Plaintiff's car.
 - 8.7 Failing to steer or control his motor vehicle or to apply his brakes adequately or at all so as to avoid colliding with the Plaintiff's car.
 - 8.8 Failing to notice the traffic sign and ignoring any or all traffic signs at the Exit from the Spotts Newlands Road.
9. On 3rd March 2003 the Defendant was convicted of the offence of careless driving pursuant to Section 69 of the Traffic Law (2001 Revision). The Defendant was fined CI\$500 or alternatively given 30 days imprisonment and his drivers licence was endorsed.
10. By reason of the negligence of the Defendant, the Plaintiff has suffered severe loss, injury and damage.

Particulars of Injuries

- 10.1 Right knee had a deep laceration over the patella, left ankle and toe movements were not possible, sensations on the dorsum of the foot were absent, there was spinal fusion in the lumbar spine, severe back pain and muscle spasm along the length of the spine and whiplash symptoms giving rise to discomfort in the neck all of which have been experienced since the accident on March 19th 2002 and are still continuing and are related to the lumbar and cervical segments of the spine.

Particulars of Special Damages

- 10.2 Loss of earnings, medical and other expenses incurred from March 2002 to November 2003 and which are still continuing, as a result of the Accident and includes, but it is not limited to, the expenses as per the attached schedule.

This WRIT OF SUMMONS was issued on behalf of the Plaintiff by Solomon Harris, Attorneys-at-Law, whose address for service is: P.O. Box 1990, 2nd Floor, FirstCaribbean House, George Town, Grand Cayman, Cayman Islands, British West Indies.

11. The Plaintiff claims interest upon the damages herein pursuant to Section 34 of the Judicature Law (1995 Revision) at the rate of 6 ¼ % from 19th March 2002 to October 31st 2003 and at the rate of 3% from September 1st 2003 to date or for such other period and at such rates as the Court deems just and further interest pursuant to the said Law at the said rates to date of judgment or sooner payment.

AND THE PLAINTIFF claims:

1. Special Damages in the amount of CI\$58,301.71 to date and continuing.
2. Damages to be assessed.
3. Interest to be assessed pursuant to paragraph 11 hereof and continuing at the rate of 3% per annum from the date of issue of the Writ herein until payment or judgment whichever is earlier, or for such other period and at such other rates as the Court deems just.
4. Costs.
5. Further and or/other relief.

This WRIT OF SUMMONS includes a claim for damages arising out of the use of a motor vehicle on a road which vehicle is insured by Motor & General Insurance Co Ltd of PO Box 1094 GT, 320 Shedden Road, George Town, Grand Cayman, Cayman Islands.

Dated this 27th day of ~~NOVEMBER~~ 2003

Solomon Harris
.....
SOLOMON HARRIS

This WRIT OF SUMMONS was issued on behalf of the Plaintiff by Solomon Harris, Attorneys-at-Law, whose address for service is: P.O. Box 1990, 2nd Floor, FirstCaribbean House, George Town, Grand Cayman, Cayman Islands, British West Indies.

SCHEDULE OF SPECIAL DAMAGES

Special damages include, but are not limited to, the following:

<u>ITEM</u>	<u>AMOUNT (USD)</u>	<u>AMOUNT (KYD)</u> <u>@0.82 (except for items</u> <u>marked * which are @0.80)</u>
CAYMAN BILLS PAID		
The Healing Touch <ul style="list-style-type: none"> • March 22, 2002 • May 6, 2002 	 243.90 400.00	 200.00 328.00
Cayman Physiotherapy LTD. <ul style="list-style-type: none"> • April 9, 2002 • April 15, 2002 • May 3, 2002 	 195.12 347.56 201.22	 160.00 285.00 165.00
Cayman Islands Health Services <ul style="list-style-type: none"> • March 20, 2002 • March 25, 2002 • April 3, 2002 • April 12, 2002 	 13.86 17.07 11.57 73.17	 11.37 14.00 9.49 60.00
Cayman Orthopaedic Group <ul style="list-style-type: none"> • April 8, 2002 * • April 12, 2002 	 100.00 365.85	 80.00 300.00
Winward Pharmacy <ul style="list-style-type: none"> • April 8, 2002 • April 19, 2002 	 11.70 36.89	 9.60 30.25
East End Health Care Centre <ul style="list-style-type: none"> • March 21, 2002* 	 78.75	 63.00
Economy Car Rental <ul style="list-style-type: none"> • February 5, 2003 	 966.00	 792.12
RCIP <ul style="list-style-type: none"> • Traffic Accident Report (March 6, 2003) 	 91.46	 75.00
Airfare (March 4, 2003)	1,300.30	1,066.25
TOTAL FEES THIS PAGE	US\$ 4,454.42	US\$ 3,649.08

SCHEDULE OF SPECIAL DAMAGES

Special damages include, but are not limited to, the following:

<u>ITEM</u>	<u>AMOUNT (USD)</u>	<u>AMOUNT (KYD)</u>
UNITED STATES BILLS PAID	B/FWD 4,454.42	3,649.08
Drexel University College of Medicine <ul style="list-style-type: none"> January 9, 2003 September 12, 2003 September 19, 2003 September 26, 2003 	15.00 15.00 15.00 15.00	12.30 12.30 12.30 12.30
CVS Pharmacy <ul style="list-style-type: none"> June 5, 2002 June 7, 2002 June 19, 2002 June 19, 2002 (not a repetition) July 22, 2002 July 23, 2002 August 15, 2002 August 26, 2002 September 13, 2002 September 13, 2002 September 14, 2002 October 2, 2002 October 16, 2002 November 25, 2002 January 8, 2003 January 9, 2003 September 18, 2003 October 28, 2003 October 28, 2003 (not a duplication) October 30, 2003 	9.40 15.00 15.00 15.00 15.00 8.54 10.00 15.00 10.00 15.00 15.00 10.00 10.00 15.00 10.00 15.00 10.00 10.00 10.00 10.00 10.00 15.00	7.71 12.30 12.30 12.30 12.30 7.17 8.20 12.30 8.20 12.30 12.30 8.20 8.20 12.30 8.20 12.30 8.20 8.20 8.20 8.20 12.30
Eckerd Pharmacy <ul style="list-style-type: none"> October 2, 2002 	10.00	8.20
PhilCare Home Medical Equipment <ul style="list-style-type: none"> August 1, 2002 September 16, 2002 October 23, 2002 (back cushion) 	25.99 30.99 99.63	21.31 25.41 81.70
Warminster Hospital <ul style="list-style-type: none"> October 18, 2002 	25.00	20.50
Cardiology Consultants of Philadelphia <ul style="list-style-type: none"> August 30, 2002 	15.00	12.30
Pennsylvania Orthopaedic Associates <ul style="list-style-type: none"> June 19, 2002 October 17, 2003 	15.00 30.00	12.30 24.60
TOTAL FEES TO THIS PAGE	US\$5,013.97	CI\$4,108.08

SCHEDULE OF SPECIAL DAMAGES

Special damages include, but are not limited to, the following:

<u>ITEM</u>	<u>AMOUNT (USD)</u>	<u>AMOUNT (KYD)</u>
UNITED STATES BILLS PAID	B/FWD 5,013.97	\$4,108.08
Upper Bucks Orthopaedic Association <ul style="list-style-type: none"> • May 14, 2002 • May 20, 2002 	15.00 15.00	12.30 12.30
Orthopaedic Institute <ul style="list-style-type: none"> • June 3, 2002 • June 4, 2002 	15.00 15.00	12.30 12.30
Stephen Masceri, M.D. <ul style="list-style-type: none"> • May 13, 2002 	15.00	12.30
Residence Inn (Hotel) <ul style="list-style-type: none"> • May 9, 2003 	84.14	68.99
Ocean Plaza Beach Resort <ul style="list-style-type: none"> • May 7, 2003 	89.72	73.57
Ramada Limited <ul style="list-style-type: none"> • May 7, 2003 • May 8, 2003 (fuel) 	51.37 42.08	42.12 34.51
Hampton Inn <ul style="list-style-type: none"> • April 20, 2003 • April 21, 2003 	78.56 78.93	64.42 64.72
Dr. A. Farshchain, Southbeach Doctors <ul style="list-style-type: none"> • April 24, 2003 • April 28, 2003 • May 1, 2003 	890.00 750.00 425.00	729.80 615.00 348.50
Loss of earnings from May 2002 to November 2003 ((Average monthly income of US\$2,429.17 x 18 months)	43,725.00	35,854.50
Cost of household help (US\$200 per week) <ul style="list-style-type: none"> • Year ending 2002 • Jan.2003 to November 2003 (47 weeks) 	10,400.00 9,400.00	8,528.00 7,708.00
TOTAL FEES TO THIS PAGE	US\$71,103.77	CI\$58,301.71