

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

CAUSE NO. 494 OF 2004

BETWEEN:

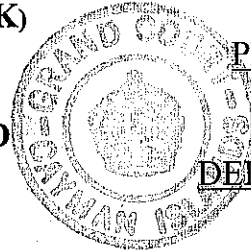
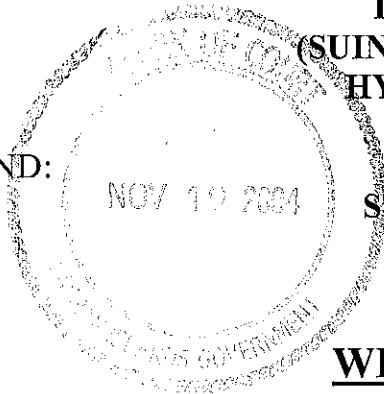
**DAMINON PARKINS  
(SUING BY HIS NEXT FRIEND  
HYACINTH MURDOCK)**

PLAINTIFF

AND:

**STANLEY QUINLAND**

DEFENDANT



**WRIT OF SUMMONS**

TO: THE DEFENDANT  
C/O BROADHURST DACOSTA  
PO Box 2503GT  
40 Linwood St.  
George Town  
Grand Cayman

& THE DEFENDANT'S MOTOR INSURERS  
British Caymanian Insurance Co. Ltd.  
PO Box 74 GT  
BritCay House  
236 Eastern Avenue  
George Town  
Grand Cayman  
(pursuant to GCR, Order 6, rule 4)

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, PO Box 495 GT, 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 Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

**Issued this 19th day of November, 2004.**

NOTE – This Writ may not be served later than 4 calendar months beginning with the date of issue unless renewed by Order of the Court.

**IMPORTANT**

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

### **STATEMENT OF CLAIM**

1. The Plaintiff was at all material times a Jamaican citizen, legally resident and working as a labourer in the Cayman Islands. The Defendant was at all material times the owner and driver of a white Toyota Hiace motor vehicle registration number 59112.
  
2. On or about Saturday, 27 March 2004 at approximately 0600 hours the Plaintiff was on the hard shoulder of the Linford Pierson Highway proceeding towards George Town in the same direction as traffic proceeding to George Town. The Plaintiff had commenced his journey into work that morning from his then home at 54 Tropical Gardens Rd, George Town and had reached the vicinity of the New Testament Church and was walking along with his right thumb up in an attempt to catch an omnibus or lift when he was struck by the Defendant's negligently driven motor vehicle which had left the said roadway and veered to the left onto the said hard shoulder into collision with the Plaintiff causing severe injuries.
  
3. The said collision was caused by the negligence of the Defendant.

### **PARTICULARS OF NEGLIGENCE**

- (a) Driving his said motor vehicle off the road and onto the hard shoulder into collision with the Plaintiff;
  
- (b) Failing to manage, control, steer or otherwise control his motor vehicle so as to avoid driving his vehicle into the Plaintiff;

- (c) Failing to heed the presence of the Plaintiff;
  - (d) Failing to drive in such a manner as to have full control of the vehicle at all times;
  - (e) Failing to keep a watch on the road in front of his vehicle;
  - (f) Failing to keep a proper or any look-out;
  - (g) Driving a motor vehicle on a road dangerously or recklessly, or at a speed or in a manner or in a condition which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the roadway;
  - (h) Driving a motor vehicle on a road without due care and attention, or without reasonable consideration for other persons;
  - (i) The Plaintiff further or alternatively relies upon the doctrine of Res Ipsa Loquitor.
4. As a result of the said collision and the negligence of the Defendant, the Plaintiff sustained and suffered personal injury, loss and damage.

#### **PARTICULARS OF INJURY AND LOSS**

5. The Plaintiff's date of birth is 14<sup>th</sup> March 1977. The Plaintiff was taken from the scene of the accident by ambulance to the Cayman Islands Hospital, George Town, Grand Cayman where he was treated for a closed head injury, and subluxation of the acromo-clavicular joint in his left shoulder. A CT scan

carried out at the said hospital revealed a slight midline shift of the Plaintiff's brain. The Plaintiff was put on a ventilator and his chances of survival noted to be poor by the treating physician.

6. By 20<sup>th</sup> April 2004 the Plaintiff was sufficiently stable to be transported to Jamaica where he has had on-going treatment for his injuries. A full medical report detailing the Plaintiff's injuries, diagnosis and prognosis will be obtained and available at trial. The Plaintiff's closed head injury resulted in loss of consciousness at the scene of the accident on 27<sup>th</sup> March 2004 and post traumatic amnesia.
7. At the time of the accident the Plaintiff worked as a labourer employed under a work permit by T&D Exterior Wall Systems earning a salary of CI\$360 per week. A work permit renewal application for a further one year until December 2004 had been submitted by the Plaintiff's employers at the time of the accident.
8. Since the said accident, the Plaintiff has suffered from post traumatic amnesia and profound personality changes which has caused him to be extremely aggressive which in turn caused family members to fear for the safety of the Plaintiff's baby and to remove the baby to the Plaintiff grandmother's home.
9. Due to the Plaintiff's said injuries and consequential personality changes and amnesia he is unable to work again. The Plaintiff's injuries and sequelae are permanent.

**PARTICULARS OF SPECIAL DAMAGES**

- (a) Medical expenses, specific particulars to be provided on discovery;
- (b) Expenses incurred by the Plaintiff's family relating to the care of the Plaintiff, specific particulars to be provided on discovery;
- (c) Past wage loss;
- (d) Future wage loss; and
- (e) Cost of future care.

A full Schedule of Special Damages will be filed prior to trial.

10. The Plaintiff claims interest pursuant to s. 34(1) of the Judicature Law (1995 Revision) at the prescribed rate and for such periods as the Court thinks fit.

AND THE PLAINTIFF claims:

- (i) Damages;
- (ii) Interest pursuant to s. 34(1) of the Judicature Law (1995 Revision)
- (iii) Such other relief as the Court deems fit.

Dated this 19<sup>th</sup> day of November 2004

Filed this 19<sup>th</sup> day November 2004

OGIER & BOXALLS  
Ogier & Boxalls  
Attorneys for the Plaintiff

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

CAUSE NO: 454 OF 2004

BETWEEN:

**DAMINON PARKINS  
(SUING BY HIS NEXT FRIEND  
HYACINTH MURDOCK)**

PLAINTIFF

AND:

**STANLEY QUINLAND**

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 of Summons is being acknowledged.**

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**2. State whether the Defendant intends to contest or otherwise participate in 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 of Summons is acknowledged accordingly.**

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**Attorney for the Defendant**

**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 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 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.

OGIER & BOXALLS Attorneys-at-Law PO BOX 1234GT Queensgate House George Town, Grand Cayman Cayman Islands British West Indies T: 345.949.9876 F: 345.949.1987
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Indorsement by Defendant's Attorney (or by Defendant is suing in person) of his name, address and reference, if any, in the box below.

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