

IN THE GRAND COURT OF THE CAYMAN ISLANDS

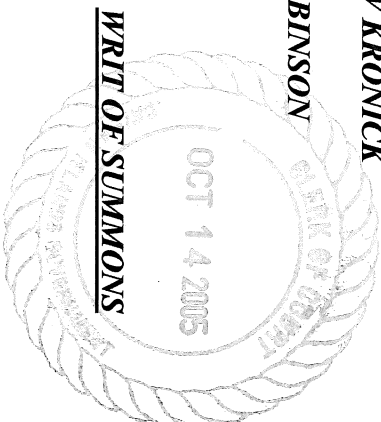
CAUSE NO. 466 OF 2005



**BETWEEN
AND**

**ANDREW KRONICK
IVET ROBINSON**

**PLAINTIFF
DEFENDANT**



WRIT OF SUMMONS

**TO: IJET ROBINSON
#443 Walkers Road
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 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 495G, 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 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 2005

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 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 an American National who at the material time of the accident resided and continues to reside in the Cayman Islands.
2. The Defendant is an individual who at all material times was a resident of the Cayman Islands.
3. On the 24th day of December 2003 an accident occurred involving the Plaintiff and the Defendant the details of which are as follows:
 - (a) At approximately 11:45am the Plaintiff was riding his customized bicycle travelling in a westerly direction along the Spotts-Newlands main road. While riding his said bicycle the Defendant drove out from Hirst Road onto the said Spotts-Newlands Road and across the path of the Plaintiff whose bicycle then collided violently with the car being driven by the Defendant causing damage to the bicycle and injury to the Plaintiff.
 - (b) The vehicle being driven by the Defendant was a Hyundai Accent motorcar registered as 65 221.
 - (c) The Defendant was at all material times the registered owner of the said vehicle, insured by British Caymanian Insurance.
 - (d) The speed of the Defendant's vehicle was sufficient to knock the Plaintiff from his bicycle and throw him some distance from the point of impact.
 - (e) The weather and visibility conditions at the time of the accident were good.
 - (f) The Plaintiff was utilising and operating his bicycle on the correct side of the road at the time of the accident.
 - (g) The accident was caused by the negligent driving of the Defendant who was consequently charged with the offence of Careless Driving as a result of the accident and convicted of the same offence on her subsequent plea of Guilty in the Summary Court.
4. The Plaintiff makes claim for injuries sustained and damages incurred as a result of the said accident pursuant to The Torts (Reform) Law as revised and amended. The Plaintiff states that the said accident was as a result of the Defendant's negligent driving and that as a result of the same the Plaintiff sustained injuries and damages.

PARTICULARS OF NEGLIGENCE

- (a) The Defendant was travelling in excess of a safe speed given the road conditions.
- (b) The Defendant failed to keep her motor vehicle under proper control
- (c) The Defendant failed to exercise due care and attention and skill in the management of her said motor vehicle.
- (d) The Defendant failed to take reasonable care to avoid the accident.
- (e) The Defendant failed to keep any or any adequate look out.
- (f) The Defendant drove from a minor road onto a major road at time when it was not safe so to do.

PARTICULARS OF INJURIES

- a) Severe pain to chest and shoulder.
- b) Fracture of left clavicle
- c) Fracture of first rib
- d) Fracture of sternum
- e) Severe and complete dislocation of the acromioclavicular joint on the right side
- f) Severe trauma of the anterior chest wall and shoulder girdle
- g) Pain and numbness in fingers of right hand
- h) Abrasions and bruises
- i) Partial Permanent Impairment of 25% of the upper extremity
- j) Partial Permanent Impairment of 15% of the whole person
- k) Mild weakness of right triceps with corresponding mild reduction of the triceps reflex
- l) Deformity of right shoulder
- m) Deformity of the left clavicle
- n) Reduction in range of movement of the neck and thoracic spine.

- 5. At the time of the accident the Plaintiff was 43 years of age and enjoyed excellent health and lived a full and busy life. As a result of the negligence of the Defendant the Plaintiff has suffered loss or damage.

PARTICULARS OF SPECIAL DAMAGES

(i)	Cost of Traffic Accident Report	CI\$ 75.00
(ii)	Cost of Prescription Sunglasses	CI\$ 154.00
(iii)	Replacement of Polar Hear Rate Monitor S610	CI\$ 205.00
(iv)	Bike Shorts	CI\$ 57.40
(v)	Bike Shirt	CI\$ 61.50
(vi)	Wife's Plane Ticket	CI\$ 82.30
(vii)	Cost of Repairing bicycle	CI\$1,767.67

(vii)	Loss of Income	CI\$1,760.00
(viii)	Medical Expenses	CI\$ 741.00
(ix)	Medical Reports Costs	CI\$ 950.00
(x)	Cost of Medication and Medical Aids	<u>CI\$ 46.00</u>
		CI\$5,899.87

6. In addition to the above the Plaintiff has sustained loss of professional opportunity, losses for unpaid assistance, pre-judgment and post-judgment interest in accordance with the Judicature Law (as amended) and general damages for pain and suffering and loss of amenities.

AND THE PLAINTIFF CLAIMS:

1. Damages;
2. Interest on the said Damages pursuant to the Judicature Law (as amended);
3. Costs.

Dated this 18th day of April 2005



Associated Advocates Chambers (HDM)
Plaintiff's Attorneys-at-Law

Acknowledgment of service of writ of summons (O.12, r.3)

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 495G, 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 instalments or otherwise.

See over for notes for guidance

Please complete overleaf

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 its 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.

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 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 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:

Associated Advocates Chambers
FIS Building (Second Floor, East Wing)
196 Shedden Road
George Town
Grand Cayman
Cayman Islands

Indorsement by Defendant's Attorney (or by Defendant if suing in person) of his name, address and reference, if any, in the box below: