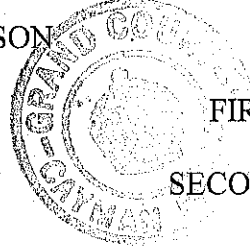
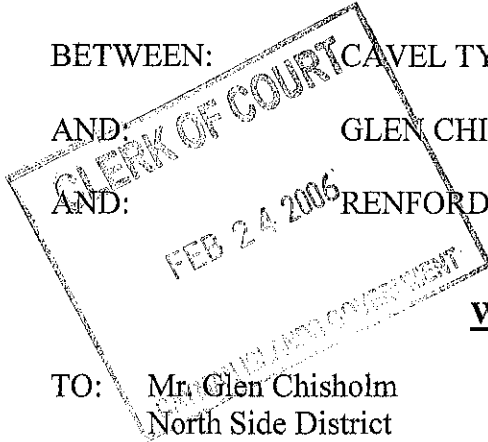


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 70 OF 2006

BETWEEN: CAVEL TYRONE ATKINSON PLAINTIFF  
AND: GLEN CHISHOLM FIRST DEFENDANT  
AND: RENFORD EDMONDSON SECOND DEFENDANT



**WRIT OF SUMMONS**

TO: Mr. Glen Chisholm  
North Side District  
Grand Cayman

Renford Edmondson  
Porty Road  
Prospect  
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 Fourteen days (14) 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 495GT, 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 24<sup>th</sup> day of February, 2006**

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 Acknowledgment of Service are given with the accompanying form.

**STATEMENT OF CLAIM**

1. The Plaintiff was at all material times, a front seat passenger in a Toyota Liteace vehicle, registration No. 98717 driven by Mr. Lawrence Smith.
2. The First Defendant is the registered owner of the Ford F150 truck registration No. 84315 and the First Defendant gave permission to the Second Defendant to drive his truck at the time of the accident.
3. On Saturday 11<sup>th</sup> June 2005, at around 9:25a.m., the Plaintiff was sitting in the front seat and wearing seat belt in the Toyota Liteace vehicle. The Toyota Liteace was traveling along Crewe Road in the district of George Town, heading east towards Bodden Town in the vicinity of Melody Lane. Suddenly and without warning, the Ford F150 truck registration No. 84315 driven by the Second Defendant overtook a vehicle that was turning off into Melody Lane and collided head on into the Toyota Liteace causing the Plaintiff to sustain injuries. Both vehicles received mayor damages and the Second Defendant was charged for careless driving.
4. The said accident was caused by the negligence of the Second Defendant.

**PARTICULARS OF NEGLIGENCE**

5. The Second Defendant was negligent in that:
  - (i) he drove too fast in all the circumstances without due care and attention;
  - (ii) overtook when it was not safe to do so;
  - (iii) failed to keep any or any proper look out for other users of the road;
  - (iv) drove the vehicle on the wrong side of the road and into the path of the vehicle that the Plaintiff was traveling in;

- (v) failed to stop, slow down, apply brakes adequately, steer or otherwise control his vehicle so as to avoid a collision;
6. As a result of the said accident the Plaintiff sustained pain and injuries and suffered loss and damage.

### PARTICULARS OF INJURY

- (a) Multiple lacerations to his face including his upper eyelid, forehead and nose, with loss of soft tissue.
  - (b) Pain and suffering
  - (c) Permanent scarring to his face.
  - (d) Skin graft to his nose.
  - (e) Reconstructive surgery to repair right upper eyelid.
7. On 21<sup>st</sup> June 2005, Mr. Atkinson underwent surgery under local anesthesia to repair his right upper eyelid with a piece of skin taken from the back of his right ear and grafted onto his nose. The stitches from his nose were removed on 1<sup>st</sup> July 2005. He has returned to work but complains of occasional headaches and pain over his eye.
8. The Plaintiff will rely on medical reports including report from the Cayman Islands Hospital at trial.
9. The Plaintiff was born on the 17<sup>th</sup> day of November, 1983 and was 21 years old at the date of the accident. He arrived on the Island as a construction worker a merely 4 weeks before the accident. During the time of his sickness, his girl friend took three weeks off from work to look after him. She did not get pay for those three weeks off which amounts to CI\$750.00.

10. Prior to the accident Mr. Atkinson enjoyed a fairly healthy life style. Since the accident he has had many nightmares. He is still fearful of driving in vehicles especially when he sees other vehicles overtaking. His face is scarred for life and he will never be the same again. He continues to experience headaches and he has to take pain killers constantly to ease the pain. It is unclear at this time as to what is causing the headaches and pain over his eye. Future medical care is therefore inevitable.
11. The Plaintiff was a construction worker at the time of the accident. His salary was CI\$600.00 per week. He suffered a lot of pain over his body for many months and was off work for four weeks due to severe pain. He was limited in his daily activities and was unable to perform his pre-accident chores until several months later. He had to hire taxi services to get to and from doctors and hospital. His loss of wages being 4 weeks at CI\$600.00 per week is therefore CI\$2,400.00.
12. Further, the Second Defendant was convicted of careless driving in the Magistrate Court.
13. The above conviction is relevant to the issue of negligence on the part of the Second Defendant and the Plaintiff intends to rely upon the record of conviction as evidence in this action.
14. The Plaintiff claims interest upon any such damages as may be awarded to him pursuant to the Judicature Law.

**Particulars of Special Damage**

Medical expenses to date	CIS\$3,143.58
Traffic accident report	75.00
Loss of income – 4 weeks @ CI\$600.00 per week	2,400.00
Maid services during sickness – 3 weeks @ CI\$250.00 p.w.	750.00
Traveling to and from hospital (taxi)	300.00
Total special damages as at 16 Jan 2006	<b><u>CIS\$6,668.58</u></b>

15. The Plaintiff claims interests pursuant to the Judicature Act on the amount found to be owed to the Plaintiff at such rate and for such period as the Court deems fit.

And the Plaintiff Claims:

Special and General Damages  
Pre-judgment interest  
Post-Judgment interest  
Costs

Dated this 24<sup>th</sup> day of February, 2006

Facey - Clarke & Associates  
Facey-Clarke & Associates  
Attorneys-at-Law for the Plaintiff

TO: The Clerk of the Court

AND TO: Glen Chisholm  
North Side, Grand Cayman

AND TO: Renford Morrison  
Porty Road, Prospect, Grand Cayman

THIS WRIT was issued by Facey-Clarke & Associates, Attorneys-at-Law for the Plaintiff herein whose address for service is that of the said Attorneys-at-Law, Ground Floor, Unit 119, Elizabethan Square, Grand Cayman

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 495GT, 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 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 or 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.

Facey-Clarke & Associates  
Attorneys-at-Law  
Ground Floor, Unit 119, Elizabethan Square  
Grand Cayman, Cayman Islands, B.W.I.  
Tel: 946-8111 / Fax: 946-8141  
Email: mclarke@candw.ky

Attn: Margeta Facey

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