

THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 72 OF 2006

BETWEEN:

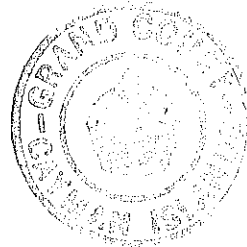
JOEL GONZALEZ

PLAINTIFF

AND

GLEN BUSH

DEFENDANT

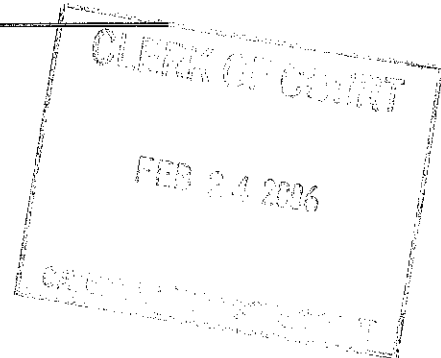


---

WRIT OF SUMMONS

---

TO: Glen Bush  
161 Town Hall Road  
West Bay  
Cayman Islands



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, P.O. Box 495 GT, 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 to return the Acknowledgement 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 23rd 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.

  
Appleby Spurling Hunter  


THIS WRIT was issued by Appleby Spurling Hunter Attorneys At Law for the Plaintiff, whose address for service is Clifton House, 75 Fort Street, P.O. Box 190 GT, Grand Cayman, Cayman Islands (Ref. WAS/.001)

---

**STATEMENT OF CLAIM**

---

**The Parties**

1. The Plaintiff was at all material times a resident of the Cayman Islands. The Plaintiff's address is P.O. Box 156 WB, Cayman Islands. The address for service is in care of his Attorneys, Appleby Spurling Hunter, Clifton House, PO Box 190 GT, 75 Fort Street, George Town, Grand Cayman, Cayman Islands.
2. The Plaintiff was the owner of a Ford Aerostar bearing registration number 80638.
3. The Defendant was at all material times a resident of the Cayman Islands and the operator of a Honda Prelude bearing registration number Q2959.

**The Accident**

4. At or about 11:25 pm on 4 September 2004 the Defendant was operating the Honda Prelude traveling southbound on Town Hall Road in West Bay. The Plaintiff's vehicle was operated by a colleague, Tulio Obando, and was traveling northbound on Town Hall Road. Mr. Obando was lawfully operating the vehicle with due care and attention.
5. At the same time, the Defendant was traveling at a high rate of speed and crossed the centre line causing a collision between the Defendant's vehicle and the Plaintiff's vehicle. The Defendant was solely responsible for the accident which resulted in the Plaintiff's vehicle being completely written off in addition to incurring other expenses as set out below.

6. The said accident, loss and damage suffered by the Plaintiff, was solely caused by the negligence of the Defendant.

### **Particulars of Negligence**

7. The Defendant was negligent in that:
  - a. He was traveling at an excess and unsafe speed considering the legal speed limit, type of road, ability to control the vehicle and circumstances generally;
  - b. He either unlawfully or unsafely caused his vehicle to cross to the right side of the road designated for vehicles traveling in the opposite direction.
  - c. He operated his vehicle without due care and control; and,
  - d. He failed to avoid a collision with the Plaintiff's vehicle due to circumstances arising from the manner of his operating his vehicle.

### **Particulars of Plaintiff's Loss**

8. The Plaintiff's vehicle was written off requiring the Plaintiff to obtain alternative transportation while he arranging for a replacement for the damaged vehicle. Due to the unavailability of vehicles for purchase following Hurricane Ivan, the Plaintiff had to rent vehicles for an extended period of time until the replacement vehicle was obtained in April 2005.
9. Further, the Plaintiff had to import a vehicle from the United States due to the local unavailability of replacement vehicles which importation caused him to incur numerous additional expenses as set out below.
10. The Plaintiff has incurred the following loss and expense all of which arise from the accident and the total loss of the Plaintiff's vehicle:

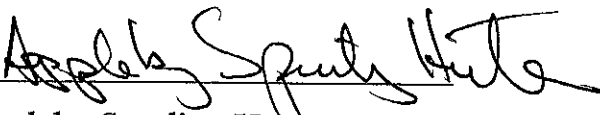
Description	Date Incurred	Amount CI\$
H7R Invoice 2431 Towing	4 Sept 2004	\$180.00
Cars Ltd. Invoice 5116 Estimate	6 Sept 2004	\$25.00
Red Gate Garage CIC Lost Invoice	6 Sept 2004	\$25.00
Coconut Car Rental Invoice H105532 (US\$1,695.50)	9 Sept 2004	\$1,424.22
Economy Car Rental Invoice 59226 (US\$3,680.09)	13 Oct 2004	\$3,091.02
Traffic Accident Report	2 Feb 2005	\$75.00
Ford Ranger Truck (US\$4,500) to Replace Total Loss of Ford Aerostar	3 Mar 2005	\$3,780.00
HM Customs Fee Invoice CT2521180	31 Mar 2005	\$1,641.78
Port Authority Fee Invoice C1106870	31 Mar 2005	\$50.31
Total Freight and Charges (US\$1,525.04)	15 Mar 2005	\$1,281.03
Port Authority Fee Invoice C1108170	7 Apr 2005	\$6.64
Insurance Fee Invoice 0084937	6 Apr 2005	\$1,050.00
Rent-A-Car Estimate from Dec. 8,04 to April 6,05 @58.30 per day.	Undated	\$6,937.22
Licensing Department Fees Invoice 431480	12 May 2005	\$280.00
		<b>\$19,847.22</b>

11. Further the Plaintiff claims interest pursuant to the *Judicature Law (2002 Revision)* on the damages from the date of the last expense incurred, 12 May 2005.
12. The Plaintiff had made demand of the Defendant for payment of the above sums prior to commencing this proceeding but received no response from the Defendant to such demand.

13. As a result of the above, the Plaintiff is entitled to damages as set out above.

AND the Plaintiff claims:

- (1) Damages of **\$19,847.22**.
- (2) Interest in accordance with the Judicature Law (2002 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.
- (3) Costs.

  
\_\_\_\_\_  
**Appleby Spurling Hunter**  
**Attorneys-at-Law for the Plaintiff**

THIS STATEMENT OF CLAIM was filed by Appleby Spurling Hunter, Attorneys-At-Law for the Plaintiff whose address for service is Clifton House, 75 Fort Street, P.O. Box 950 GT, George Town, Grand Cayman, Cayman Islands (Ref WS/10019.001).

**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 communication for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

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

Appleby Spurling Hunter  
Attorneys-at-Law  
Clifton House  
75 Fort Street  
PO Box 190  
George Town  
Grand Cayman  
Cayman Islands

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

