

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO.

95

OF 2006

BETWEEN

CHERYL NEBLETT

PLAINTIFF

and

AND

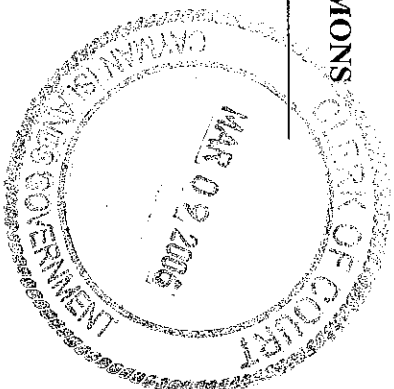
AMANDA SERPELL

DEFENDANT



WRIT OF SUMMONS

Amanda Serpell  
357 Patrick Avenue  
Prospect  
Grand Cayman



**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiffs 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 Courts Office, P.O. Box 495 GT, George Town, Grand Cayman, the accompanying Acknowledgement of Service form stating whether you intend to contest these proceedings.

**If you fail** to satisfy the claim or fail to return the Acknowledgement of Service form within the time stated or if you return the Acknowledgement of Service form 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 any further notice to you.

Issued this 9<sup>th</sup> day of March 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 acknowledgement of Service are given with the accompanying form.

**INDORSEMENT OF INSURER**

The Plaintiff's claim arises out of the use of a motor vehicle on a public road. The insurer of the Defendant named herein is The Insurance Company of the West Indies Limited. The Address of service is PO Box 461 GT Grand Cayman, Cayman Islands.

### STATEMENT OF CLAIM

1. The Plaintiff was at all material times a resident of Grand Cayman, Cayman Islands.
2. The Defendant is an individual who at all the times material to the issues in this proceeding was a resident of the Cayman Islands.
3. On the 2<sup>nd</sup> of August 2005 an accident occurred involving the Plaintiff and the Defendant the details of which are as follows:
  - a. At approximately 5:30 p.m., the Plaintiff was driving her motor vehicle, a Ford Taurus Registration Number 110-687 along South Sound Road, Grand Cayman in the vicinity of Cayman Crossing. The Plaintiff slowed down and put on her indicator to turn left into Bel Air Drive off South Sound Road, when her vehicle was struck from behind by a vehicle operated by the Defendant, an Acura MDX registration number 104-387 (hereinafter referred to as “ the Defendant’s vehicle”) causing damage to the Plaintiff’s vehicle and injury to herself.
  - b. The Defendant was the registered owner the said Defendant’s vehicle.
  - c. The weather and visibility conditions reported at the time of the accident were good.
  - d. The speed of the Defendant’s vehicle was sufficient to propel the Plaintiff’s car some yards into Bel Air Drive and to cause the Plaintiff who was secured with her seat belt to be jolted forward so that the Plaintiff’s head hit and broke the rear view mirror in the Plaintiff’s car.
4. The Plaintiff makes claim for injuries sustained and damages incurred as a result of the said accident pursuant to the Torts (Reform) Law (1996 Revision). The plaintiff states that the Defendant negligently operated the defendant’s vehicle and as a result of such negligence caused the above accident.

### PARTICULARS OF NEGLIGENCE

- a) The Defendant was traveling in excess of a safe speed given the road and visibility conditions

- b) The Defendant failed to keep any or any proper look-out or to have any sufficient regard for any other traffic on the road.
- c) The Defendant failed to see the Ford Taurus motor vehicle turning or attempting to turn from South Sound Road into Bel Air Drive in sufficient time to avoid the collision or at all.
- d) The Defendant failed to give the Ford Taurus motor vehicle any or any sufficient time to turn into Bel Air Drive in safety.
- e) The Defendant failed to stop, slow down, to swerve or in any other way so to exercise due care and skill in the management of the Defendant's motor vehicle as to avoid the collision.

5. As a result of the accident, the Plaintiff sustained injuries and she has suffered loss and damage.

#### PARTICULARS OF INJURES

- a) Contusion to frontal cranium
- b) Sprain to the cervical/thoracic spine with radial neuropathy
- c) Contusion to the left anterior temple
- d) Left sided Sacroilitis with associated muscle spasm of the surround musculature

6. At the time of the accident the Plaintiff was 40 years of age (date of birth 23<sup>rd</sup> May 1965). She enjoyed excellent health and lived a full and busy life. As a result of the negligence of the Defendant, the Plaintiff has suffered loss and damage as follows:

- a) Special damages for medical care and other expenses arising from the accident and her injuries.
- b) General damages for pain, suffering and loss of amenities
- c) Pre judgment and post judgment interest in accordance with the Judicature Law (as amended) and
- d) Such other loss as may later be claimed or set out in the Statement of Claim

7. The Plaintiff will provide specific details of the claim for special damages prior to trial.
8. As a result of the above the Plaintiff is entitled to the relief claimed in this proceeding.

AND THE PLAINTIFF CLAIMS

- A. Special damages for medical care and other expenses arising from the accident and her injuries;
- B. General damages for pain suffering and loss of amenities;
- C. Pre-judgment and post-judgment interest in accordance with the Judicature Law (as amended) and
- D. Such other loss as may later be claimed;
- E. Such further and other relief as this Honourable Court deems appropriate.

Dated the 9<sup>th</sup> day of March 2006

*Associated Advocates Chambers*

Associated Advocates Chambers  
Attorneys-at-Law for the Plaintiff

To: Clerk of the Court  
Courts Office

AND to: the Defendant

This statement of claim was filed by Associated Advocates Chambers, Attorneys-at-Law for the Plaintiff whose address for service is that of her attorneys-at-Law at #196 Shedden Road, George Town, Grand Cayman.