

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 93 OF 2007

BETWEEN:

KAREN MONICA DIXON

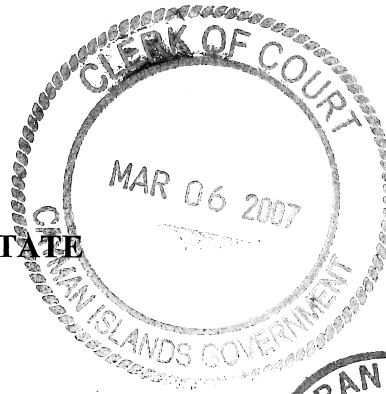
**(ADMINISTRATRIX OF THE ESTATE
OF NIVEN MICHAEL DIXON)**

PLAINTIFF

AND

WILLIAM ERNEST DAWSON

DEFENDANT



WRIT OF SUMMONS

**TO: The Defendant
William Ernest Dawson
38 Caterpillar Lane
North Sound Road
George Town
Grand Cayman**

**AND TO:
Solomon Harris
Attorneys for the Defendant
First Caribbean House
PO Box 1990GT
Grand Cayman
Cayman Islands**

**AND TO:
British Caymanian Insurance Company Limited
Insurers of the Defendant under a policy of Motor Vehicle Insurance
74 BritCay House
PO Box 74GT
236 Eastern Avenue
George Town
Grand Cayman KY1-1102**

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 495G, 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 6th day of March 2007.

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 is the widow and administratrix of the estate of Niven Michael Dixon who died on 17 January 2005. The Plaintiff was granted letters of administration on the 9th day of March 2006 and is also a dependent of the deceased. She brings this action for the benefit of the dependents of the deceased under the Torts (Reform) Law (1996 Revision) and for the benefit of the estate of the deceased.
2. At around 7.20am on 17 January 2005, the deceased was driving a Burgundy Jeep Wrangler motor vehicle, registration number 78746, along Thomas Russell Way towards North Sound Road. The vehicle had been rented under a rental agreement from Avis, Airport Road, Grand Cayman, by the deceased's employer, the Royal Cayman Islands Police. The deceased was driving the vehicle during the course of his employment.
3. The Defendant was driving a Green Chevrolet Cavalier motor vehicle, registration number 71308, along North Sound Road towards the junction with Shedden Road and Thomas Russell Way ("the junction").
4. The Defendant approached the junction in the right "turning" lane, heading into Shedden Road. The vehicle driven by the Deceased was positioned in the left hand (nearside) through lane of Thomas Russell Way proceeding through the junction.
5. As the deceased drove his vehicle through the junction towards North Sound Way, the Defendant attempted to execute a right hand turn from North Sound Way into Shedden Road, steering his vehicle across and into the path of the deceased's vehicle.
6. The front right hand side of the Defendant's vehicle collided with the right off side of the deceased's vehicle, causing the deceased's vehicle to rotate in a clockwise direction with

it's rear end yawing to the left towards the traffic island curb located at the entrance to the junction adjacent to Shedden Road and North Sound Way. The left rear wheel of the deceased's vehicle struck the curb, causing the vehicle to roll to its left and strike the traffic light pole.

7. As a result of the deceased's vehicle striking the traffic light pole, the deceased sustained injuries from which he died.
8. The Defendant was at all material times insured in respect of third party risks under a policy of motor insurance issued by British Caymanian Insurance Company Limited, whose address is indorsed on the Writ herein.
9. The death was caused by the negligence of the Defendant.

PARTICULARS OF NEGLIGENCE

In the circumstances, the Defendant:

- i. Failed to heed section 60(c) of the Traffic Law (2003 Revision), namely failed to give way to all oncoming or approaching vehicles;
- ii. Failed to heed rule 4(c) of the Road Code and in particular rule 4(c)(iv);
- iii. Failed to heed rule 4(d) of the Road Code;
- iv. Failed to heed the give way displayed at the junction indicating that right turning traffic must give way to oncoming traffic when the traffic light indicated a green signal;
- v. Turned right when it was unsafe to do so;
- vi. Failed to see the deceased's vehicle approach the junction or at all;
- vii. Failed so as to brake, steer, swerve or otherwise manoeuvre his vehicle as to avoid the collision that occurred;
- viii. Drove in a careless manner without regard to or heeding the presence of the deceased's vehicle.

10. As a result of the negligence of the Defendant, the deceased, who was born on 4 November 1973, sustained traumatic brain injury and other aggravating injuries from which he died instantly or shortly afterwards, and thereby his estate and dependants have suffered loss and damage. Full particulars of the fatal injuries and the attempted treatment are contained in the reports of Dr Nadia Williams, pathologist, and Dr Darley Solomon, General Surgeon, upon which the Plaintiff will rely at trial.

PARTICULARS OF LOSS

- i. The action is brought for the benefit of the dependants of the deceased as follows:
 - (a) The Plaintiff, as widow of the deceased; who was born on 27 August 1972 and who married the deceased on 17 August 1996; and
 - (b) Asia Dixon, the daughter of the deceased, who was born on 2 April 2000 (and was 4 years and 9 months old at the time of death and is now aged 6 years and 10 months.
- ii. The deceased was employed as a police officer with the Royal Cayman Islands Police Force at the time of his death, earning an annual salary of CI\$42,897.96. He was paying CI\$290.16 into an employer provided pension and CI\$300.00 into a Credit Union fund.
- iii. In his spare time he deceased also undertook general construction work with his brother, Michael, earning on average CI\$750.00 per month.
- iv. The Dependants were dependant upon the deceased for their maintenance, income and support. He pooled his income with that of the Claimant, who earns and continues to earn an annual salary of CI\$46,582.08. He was a family man who did not smoke and drank little and devoted his spare time to his home, wife and child. The Plaintiff claims 90 per cent of the net pooled income less her net earnings as the loss of dependency, as a greater than normal amount of the Deceased's income would be spent for their joint benefit and that of their daughter.
- v. The Plaintiff was dependant upon the services of and work provided by the deceased for the benefit of the Plaintiff and their daughter in and around the house, including

interior decoration, gardening and day to day maintenance estimated at a value of CI\$2,000 per annum.

- vi. The Plaintiff claims funeral expenses in the sum of CI\$5,000.00.

AND the Plaintiff claims:-

1. Damages:
 - (a) under the Torts (Reform) Law (1996 Revision);
 - (b) for bereavement; and
 - (c) for loss of dependency generally.
2. Interest pursuant to section 34 of the Judicature law at the prescribed rate of 7.25% p/a compounded monthly from 17 January 2005 to date of judgment hereof.
3. Filing fees
4. Costs
5. Any other relief this Honourable Court deems just and equitable in the circumstances.


DIAMOND LAW ASSOCIATES

THIS WRIT OF SUMMONS was issued by DIAMOND LAW ASSOCIATES, Attorneys-at-Law for the Plaintiff, whose address for service is 4th Floor, Cardinal Plaza, Cardinal Avenue, Po Box 2887 GT, George Town, Grand Cayman (Ref: DLA/1009).

Acknowledgement of service of writ of summons (0.12, 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.

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BETWEEN:

KAREN MONICA DIXON

**(ADMINISTRATRIX OF THE ESTATE
OF NIVEN MICHAEL DIXON)**

PLAINTIFF

AND

WILLIAM ERNEST DAWSON

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 is being acknowledged.

 2. State whether the Defendant intends to contest the proceedings (tick appropriate box)
☐ yes ☐ no

 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 ☐ no

Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

Please complete overleaf

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.

DIAMOND LAW ASSOCIATES
4th Floor, Cardinal Plaza
Cardinal Avenue
Po Box 2887 GT
George Town
Grand Cayman

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

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