

Writ of Summons (O.6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. 169 OF 2007

BETWEEN HYACINTH WILLIAMS-FRATER PLAINTIFF
AND: MICHAEL JAMES FULLER DEFENDANT

SPECIALLY ENDORSED WRIT OF SUMMONS

TO THE DEFENDANT: Michael James Fuller, 38 Garden Retreat off Bobby Thompson Way, George Town, Grand Cayman, 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 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 16 day of April 2007.

NOTE - This Writ may not be served later than 4 calendar 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. On 11 June 2006, the Defendant, at the exit of Hurleys Grand Harbour on to Shamrock Road, so negligently drove a Hyundi Truck motor vehicle, registration number 88731, into and across the path of a Ford F250 motor vehicle registration number 97 769 owned by Island Paving at the exit of Hurley's Grand Harbour at Shamrock Road, that it collided with the Plaintiff's Toyoto Windom motor vehicle registration number 94515.
2. The Plaintiff was traveling home from work in the outside lane along Shamrock Road eastbound towards Bodden Town from George Town where she worked at the George Town Hospital when a Ford F250 which was traveling in the same direction in the inside lane was caused to drive across the path of and collide into Plaintiff's motor vehicle as a result of the negligent driving of the Defendant.

PARTICULARS OF NEGLIGENCE

- (a) Driving too fast in the circumstances
 - (b) Driving or attempting to drive his motor vehicle across the path of the Ford F250 motor vehicle.
 - (c) Turning or attempting to turn from left onto the Shamrock Road across the path of the Ford F250 when it was unsafe and dangerous so to do.
 - (d) Failing to stop or to wait at the exit until the Ford F250 and the vehicle that the Plaintiff was traveling in passed him in safety before turning or attempting to turn to his left onto the Shamrock Road.
 - (e) Failing to see the Ford F250 motor vehicle or the Plaintiff in sufficient time to avoid crossing or attempting to cross his path or at all.
 - (f) Failing to give any or any sufficient or timely warning or signal of his intention to turn left across the path of the Plaintiff.
 - (g) Failing to keep any or any proper lookout or to have any or any sufficient regard for any other traffic.
 - (h) Failing to stop, to slow down, to swerve, or in any other way so to manage or control the motor vehicle so as to avoid the collision.
3. Further the Defendant was convicted on 9 August 2006 by the Summary Court sitting at George Town Grand Cayman of the offence of Careless Driving and driving whilst intoxicated contrary to section 69 and 71 of the Traffic Law (1999 Revision). The said conviction is relevant to the issue of negligence and the Plaintiff intends to rely on it as evidence in this action.
 4. By reason of the matters aforesaid, the Plaintiff sustained personal injuries and has suffered loss and damage.

PARTICULARS OF INJURIES

The Defendant's date of birth is 9 August 1968. Following the accident on 11 June 2006, the Plaintiff did not lose consciousness but suffered injuries, which included a neuromuscular injury to her neck and the Plaintiff will be relying on the report of Dr. Teeling and Dr. Sekhar dated 22 September 2006 and 3 October 2006 respectively.

PARTICULARS OF SPECIAL DAMAGE

Date	Description	Costs (CIS)
12 June 2006 to 6 July 2006	Rental	1,050.00
	Damage to her motor vehicle	3,800.00
22/9 and 3/10 October	Medical Reports	240.00
22 March 2007	Traffic Accident Report	75.00

AND the Plaintiff claims:

- (i) Damages
- (ii) Further, pursuant to The Judicature Law (1995 Revision), the Defendant is entitled to and claims interest on such sums as are found to be due at such rate and for such period as the Court shall think fit.
- (iii) Costs



CLYDE H. ALLEN, CHAMBERS

THIS WRIT was issued by Clyde H. Allen whose address for service is Clyde H. Allen, Attorneys-At-Law, PO Box 31076SMB, Jack & Jill Building, Fort Street, Grand Cayman, KY1-1205, Cayman Islands.

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. 169 OF 2007

BETWEEN HYACINTH WILLIAMS-FRATER PLAINTIFF
AND: MICHAEL JAMES FULLER 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.

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 a 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

Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

Address for service: (please see overleaf)

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.

C. H. Allen
Woodward Terry & Company
Attorneys-At-Law
PO Box 31076 GT
Jack & Jill Building
Fort Street
KYI-1205
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.

[Empty box for defendant's attorney indorsement]