

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

CAUSE NO. **200714** OF 2008

**BETWEEN:**

**JANELLE MILLS**

**PLAINTIFF**

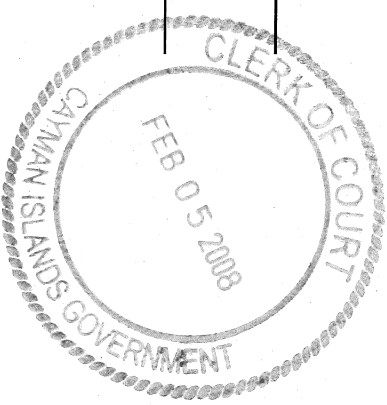
**AND**

**CIARA ROWLANDS**

**DEFENDANT**



**WRIT OF SUMMONS**



**CIARA ROWLANDS**  
PO Box 505GT  
58 Hospital Road  
George Town  
Grand Cayman

Name and Address of Defendant's Insurer:

**BRITISH CAYMANIAN INSURANCE AGENCIES LIMITED**  
PO Box 74GT  
BritCay House  
236 Eastern Avenue  
George Town  
Grand Cayman

Name and Address of Plaintiff's Insurer:

**INSURANCE COMPANY OF THE WEST INDIES LIMITED**  
PO Box 461 GT  
93 Hospital Road  
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 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        day of February 2008.

**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.

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**STATEMENT OF CLAIM**

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1. The Plaintiff is an American national and was at all material times a legal resident of the Cayman Islands employed under the terms of a valid work permit as an a Senior Manager in the Enterprise Risk Services Department of Deloitte & Touche, Cayman Islands.
2. At the date of the accident the Plaintiff was 31 years of age.
3. At the material date and time the Plaintiff was the owner and driver of a Volvo S80 motor vehicle registration number 110548.
4. The Defendant is a resident of the Cayman Islands and was at the material date and time the driver of a Toyota Rav 4 motor vehicle registration number 82429, owned by the Defendant's mother, Mrs. Maria Rowlands.
5. On the 26<sup>th</sup> May 2006 at approximately 10:30 pm, the Plaintiff, Janelle Mills, was driving the said Volvo motor vehicle along South Sound Road in the vicinity of Sand Cay Apartments towards George Town at approximately 20 to 25 miles per hour.
6. At the same time, the Defendant, Ciara Rowlands, was driving the said Toyota motor vehicle along South Sound Road towards Prospect, in the opposite direction to the Plaintiff.
7. In the vicinity of Sand Cay Apartments, the vehicle driven by the Defendant partially traversed the centre white line dividing the road lanes and collided with the Plaintiff's motor vehicle.
8. As a result of the collision, the Plaintiff's motor vehicle was damaged and the Plaintiff suffered personal injury as set out in the Particulars of Injury and the Particulars of Special Damage set out below.
9. The collision was caused by the negligence of the Defendant.

**PARTICULARS OF NEGLIGENCE**

The Defendant was negligent in that she:

- i. Failed to steer, swerve, maneuver or otherwise control her vehicle so as to avoid a collision;
- ii. Alternatively, lost control of her vehicle;
- iii. Failed to properly or at all negotiate the left hand bend in the road and drove across the central white lane dividing line;
- iv. Failed to keep any or any proper look out;
- v. Failed to heed the presence of the Plaintiff's vehicle coming in the opposite direction;
- vi. Drove too fast in the circumstances;
- vii. At the time of the accident, was driving under the influence of alcohol;
- viii. At the time of the accident, was driving over the prescribed limit for alcohol;
- ix. At the time of the accident, was unfit to drive through drink and/or drugs;
- x. Failed to heed and/or obey the Cayman Islands Road Code in traversing the solid centre white lane dividing line when it was dangerous to do so.

10. On the 9 January 2007 the Defendant was convicted on her own guilty plea before the Summary Court of the Cayman Islands in respect of a charge of Driving Under the Influence of Alcohol and a charge of Careless Driving. She was disqualified from driving for 24 months. The Plaintiff will rely upon that conviction at the trial of this matter as proof of the above particulars of negligence.
11. At the date time of the accident the Defendant was driving with the consent of the owner of the Insured motor vehicle, Mrs. Maria Rowlands.
12. As a result of the collision the Plaintiff has suffered pain, injury and sustained loss and damage.

#### **PARTICULARS OF INJURY**

- i. Bruising and abrasions to the left forearm resulting in hyper-pigmented scarring of the forearm;
- ii. Traumatic injury to the face, neck and shoulders;

iii. Post Traumatic Stress Disorder, as detailed in the medical reports appended hereto this Statement of Claim.

13. The Plaintiff was born on 3 February 1975 and was 31 years of age at the time of the accident. At the time of the accident she was wearing her seatbelt. Immediately after the accident the Plaintiff was taken to the George Town hospital where she was admitted as an emergency patient and examined by Dr Pena in the Accident and Emergency Department. Full details of the injuries noted upon examination are established in the examining physician's notes to be served.
14. The Plaintiff has been under the care of Dr Zoe Last and Dr Enocka Richens. She continues to suffer with Post Traumatic Stress Disorder and is expected to do so for between 12 – 24 months from the date of the last medical report (20 August 2007).

**PARTICULARS OF SPECIAL DAMAGE**

- |      |   |             |
|------|---|-------------|
| i.   | Loss of motor vehicle (write off)                                   | \$15,000.00 |
| ii.  | Care hire   | \$7,478.00  |
| iii. | Interest charges on payment for new motor car and automobile rental | \$10,000.00 |
| iv.  | Storage of Volvo whilst awaiting inspection by Insurers             | \$1,570.00  |
| v.   | Medical expenses to date  | \$470.45    |
15. The special damages are continuing.
16. The Plaintiff also claims loss of future earnings and handicap on the labour market and future medical expenses.
17. Further the Plaintiff claims interest pursuant to section 34 of the Judicature Law at such a rate and for such a period as the Court deems just.

AND the Plaintiff claims:

- i. Damages;

- ii. Interest to be assessed;
- iii. Costs;
- iv. Such further and other relief as the Court deems appropriate.

Dated 5<sup>th</sup> February 2008

*Diamond Law Associates*  
DIAMOND LAW ASSOCIATES

Filed the 6<sup>th</sup> day of February 2008.

THIS WRIT OF SUMMONS was issued by DIAMOND LAW ASSOCIATES, Attorneys-at-Law for the Plaintiff, whose address for service is 4<sup>th</sup> Floor, Cardinal Plaza, Cardinal Avenue, Po Box 2887 GT, George Town, Grand Cayman (Ref: DLA/1155).

**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 installments 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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**CAUSE NO. OF 2007**

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**JANELLE MILLS**

**PLAINTIFF**

**AND**

**CIARA ROWLANDS**

**DEFENDANT**

**AND**

**BRITISH CAYMANIAN INSURANCE AGENCIES LIMITED**

**AS AGENTS OF THE 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.

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

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  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)
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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  
4<sup>th</sup> 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.