

IN THE GRAND COURT OF THE CAYMAN ISLANDS

Between:

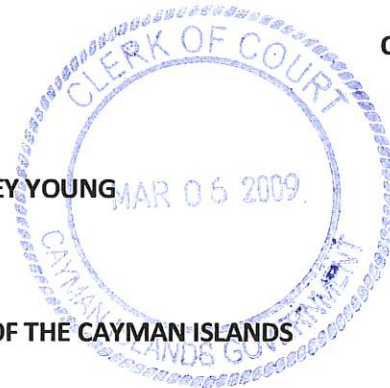
AND



HEADLEY YOUNG

ATTORNEY GENERAL OF THE CAYMAN ISLANDS

TIM BALLS



105
CAUSE NO: OF 2009
Legal Aid 210/06

PLAINTIFF

1st DEFENDANT

2nd DEFENDANT

WRIT OF SUMMONS

**TO: Attorney General
Government Administration Building
George Town
Grand Cayman**

And Tim Balls

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 March 2009.

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 a 44 year old male who is employed as a sales clerk.
2. The 1st Defendant is a party to proceedings by virtue of Section 11(2) of the Crown Proceedings Law (1997 Revision).
3. The 2nd Defendant was at all material times a constable in the Royal Cayman Islands Police Service and at all material times was acting in the course of his employment as a servant of the Crown.
4. On the 14th March 2006 at approximately 2.15 p.m the Plaintiff was riding a bicycle along North Sound Road in the vicinity of Caribbean Utilities Company and traveling in the direction of George Town.
5. The 2nd Defendant was driving along North Sound Road on a police Suzuki motorcycle registration #115158 and traveling in the opposite direction to the Plaintiff.
6. The 2nd Defendant made a right turn across traffic into the Government Gas Station on collided with the Plaintiff.
7. The collision occurred due to the negligence of the Defendant in and about the care, management, driving and control of his motorcycle on the 14th March September 2006.
8. Particulars of Negligence
 - (a) Failing to stop.
 - (b) Failed to give priority to the plaintiff who had the right of way.
 - (c) Failed to give any or any sufficient warning of his intention to turn across the traffic.
 - (d) Failed to keep any or any proper look out.
 - (e) Failed to stop, slow down, steer or otherwise control his motor vehicle so as to avoid colliding with the plaintiff.
 - (f) Driving too fast in the circumstances
 - (g) Failing to keep any or a proper look out

(h) Driving without due care and attention.

9. As a result of the Defendant's negligence, the Plaintiff has suffered personal injuries, loss and damage.

10. Particulars of Personal Injury

(a) Cuts, abrasions and pain to his shoulder, hand and elbow.

These injuries resolved in a matter of weeks.

(b) Pain to his neck and left shoulder.

The pain to his neck and left shoulder were soft tissue injuries and largely resolved over the course of two years post accident.

The Plaintiff still suffers symptoms from the injuries to his shoulder intermittently and when exposed to lifting and prolonged erect positioning of his arms.

(c) Low back pain

He continues to suffer from low back pain and has sustained damage to the L5-S1 disc with minor protrusion. He suffers from restriction to right and left lateral bending to 10-20%.

He receives regular treatment from a chiropractor until July 2008 for his injuries. He no longer receives this treatment due to the cost.

The Plaintiff relies upon the medical reports of Dr Ansari dated 5th May 2008 and Dr Bailey dated 27th January 2009.

11. Particulars of Special Damage

(a) The Plaintiff has incurred medical expenses and will continue to do so. Particulars of this claim will be forwarded when complete.

AND THE PLAINTIFF claims:

1. Damages
2. Interest in accordance with the Judicature Law (2007 Revision)
3. Costs
4. Such further and other relief as this Court may deem just

STATEMENT REGARDING INSURER

Government Insurer Unknown

Samson & McGrath

Samson & McGrath

Attorneys for the Plaintiff

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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Legal Aid 210/06**

Between:

HEADLEY YOUNG

PLAINTIFF

AND

ATTORNEY GENERAL OF THE CAYMAN ISLANDS

1st DEFENDANT

TIM BALLS

2nd 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 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.

Samson & McGrath Attorneys at Law 3 rd Floor Genesis Building Genesis Close PO Box 446 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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