



**ND COURT OF THE CAYMAN ISLANDS
ION**

CAUSE NO: OF 2026

MACDONALD MACHINGURA

PLAINTIFF

AND:

ALISON LINLEY

DEFENDANT

WRIT OF SUMMONS

TO: The Defendant

And as a Noticed Party To:

British Caymanian Insurance Company Limited
BritCay House
236 Eastern Avenue
PO Box 74 George Town
KY1-1102 Grand Cayman

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of 16 South Sound Road, George Town, Grand Cayman, Cayman Islands 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 17th day of August 2026.

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.

This **Writ and Statement of Claim** is issued by KSG Attorneys at Law for the Plaintiff whose address for service is 4th Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. At all material times, the Plaintiff was the rider of a 2010 Triumph Thruxton motorcycle bearing registration number 165400, and the Defendant was the driver and owner of a 2020 Kia Sorento motor vehicle bearing registration number 200024.
2. At all material times, the Defendant's vehicle was insured with British Caymanian Insurance Company Limited, which had issued a policy of insurance in accordance with the Motor Insurance (Third Party Risks) Act, and which was served with notice of these proceedings.
3. On 7 February 2026 at approximately 4:27pm, the Plaintiff was lawfully riding his motorcycle east along South Sound Road in George Town, towards its junction with Old Crewe Road.
4. At the same time, the Defendant was driving her motor vehicle from Old Crewe Road. As a white van ahead of the Plaintiff turned left into Old Crewe Road, the Defendant turned right into South Sound Road and drove into the path of the Plaintiff's motorcycle causing a collision between the Plaintiff's and Defendant's vehicles.
5. The accident was caused solely by the negligence of the Defendant.

PARTICULARS OF NEGLIGENCE

6. The Defendant was negligent in that she:
 - (a) collided with the Plaintiff;
 - (b) failed to keep any or any proper lookout;
 - (c) failed to see the Plaintiff when she ought to have done;
 - (d) entered South Sound Road when it was unsafe to do so;
 - (e) pulled out from a side road into South Sound Road when it was unsafe to do so;
 - (f) failed to give way to traffic travelling along South Sound Road;
 - (g) failed to apply her brakes whether in time or at all;
 - (h) failed to stop, slow down, steer or control her vehicle so as to avoid the collision;
 - (i) drove without due care and attention;
 - (j) failed to take reasonable care in all the circumstances.
7. The Plaintiff also relies on the doctrine of *res ipsa loquitur*.

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8. By reason of the matters aforesaid, the Plaintiff, who was born on 1 December 1979 and was aged 46 years at the date of the accident, sustained personal injury and has suffered loss and damage.

PARTICULARS OF PERSONAL INJURY

9. In the collision, the Plaintiff sustained a displaced spiral fracture of the distal right ulna.
10. He also sustained traumatic bleeding within the abdomen and pelvis, including a large right pelvic hematoma. He sustained an abdominal muscle tear with associated bruising to the lower abdominal wall, together with a large right scrotal hematoma.
11. He also sustained injuries to his right wrist and hand, lower back, pelvis, coccyx, right hip, groin, gluteal muscles and right lower leg.
12. On 7 February 2026, the Plaintiff was taken by ambulance to the Cayman Islands Hospital where he received emergency treatment. He remained in hospital from 7 February 2026 to 9 February 2026 while his internal bleeding and other injuries were monitored.
13. During his admission, the Plaintiff underwent serial blood tests and repeated CT scans to investigate his internal injuries.
14. His right wrist and forearm were placed in a backslab and the fracture was managed without surgery. Following removal of the backslab, the Plaintiff was required to wear a wrist splint and undergo physiotherapy.
15. The Plaintiff initially required a wheelchair and later a walking stick because of pain and restricted mobility.
16. Since the accident, the Plaintiff has undergone physiotherapy and chiropractic treatment for his wrist, lower back, pelvis, coccyx, hip and groin injuries
17. The Plaintiff continues to suffer pain and restriction affecting his right wrist, lower back, pelvis, coccyx, groin and right lower leg. He also has ongoing reduced movement, weakness and loss of grip strength in his right wrist and hand.
18. The Plaintiff has been unable to return to running or his previous level of endurance training and remains restricted in carrying out strenuous exercise and other usual activities.

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19. The Plaintiff remains under medical review and continues to require rehabilitation.
20. Further particulars of the Plaintiff's injuries, treatment and prognosis will be provided in due course.

PARTICULARS OF SPECIAL DAMAGE AND FUTURE LOSS

21. As a result of the accident, the Plaintiff has suffered loss and incurred expenses. The Plaintiff claims medical and rehabilitation expenses, loss of earnings, future loss of earnings, future medical and rehabilitation expenses, and other consequential losses.
22. A Schedule of Special Damage and Future Loss will be served in due course.
23. Further, the Plaintiff is entitled to and claims interest pursuant to section 34 of the Judicature Act (2021 Revision) on all damages owing to him at such rate and for such period as the Court considers appropriate.

AND THE PLAINTIFF CLAIMS:

1. Damages;
2. Interest thereon, to be assessed;
3. Costs;
4. Such further or other relief as this Honourable Court deems just.



KSG Attorneys-at-Law
Attorneys for the Plaintiff

This **Writ and Statement of Claim** is issued by KSG Attorneys at Law for the Plaintiff whose address for service is 4th Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107.

**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.

This **Writ and Statement of Claim** is issued by KSG Attorneys at Law for the Plaintiff whose address for service is 4th Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107.

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.

This **Writ and Statement of Claim** is issued by KSG Attorneys at Law for the Plaintiff whose address for service is 4th Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107.

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION****CAUSE NO: OF 2026****BETWEEN:****MACDONALD MACHINGURA****PLAINTIFF****AND:****ALISON LINLEY****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

This **Writ and Statement of Claim** is issued by KSG Attorneys at Law for the Plaintiff whose address for service is 4th Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107.

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.

KSG Attorneys-at-Law
4th Floor One Capital Place
Shedden Road
PO Box 2255
George Town
KY1-1107
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.

This **Writ and Statement of Claim** is issued by KSG Attorneys at Law for the Plaintiff whose address for service is 4th Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107.