

**IN THE GRAND COURT OF THE CAYMAN ISLAND**

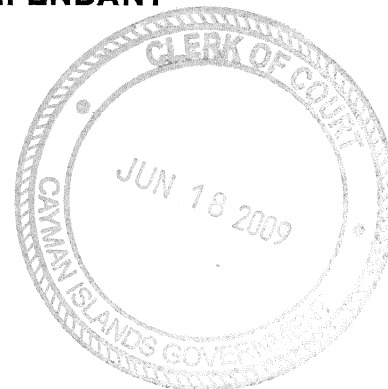
**CAUSE NO. 0298 of 2009**  
**Legal Aid No. 149 of 2008**

**BETWEEN: ANGELA MASON PLAINTIFF**

**AND; FOSTER'S FOOD FAIR IGA LTD DEFENDANT**

**WRIT OF SUMMONS**

**TO;** Foster's Food Fair IGA Ltd  
The Strand  
West Bay 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 495 G, George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and Judgement may be entered against you forthwith without further notice.

Issued this *18<sup>th</sup>* day of June, 2009

**NOTE:** This Writ may not be served later than 4 calendar months beginning with the date of the issue unless renewed by Order of the Court.

**IMPORTANT**

Directions for Acknowledgement of Service are given with the accompanying form

## STATEMENT OF CLAIM

1 The Plaintiff is a domestic helper who is currently resident in the Cayman Islands, and at the material time she was a customer of the Defendant.

2 The Defendant is a limited liability company which is duly incorporated under the Laws of the Cayman Islands and was at the material time, and continues to be the occupier of premises at the Strand on West Bay Road where they trade under the name of "Foster's Food Fair".

3 The business of the Defendant is that of a supermarket, selling food and other items in the Cayman Islands.

3 At the material time the Plaintiff was a customer of the Defendant having entered the premises in order to purchase items, displayed for sale, and sold by the Defendant, in the course of their normal business.

4 On or about 12th September, 2007, the Plaintiff entered the premises as a customer for the purpose of purchasing food and other items from the Defendant, and whilst walking in the premises was subjected to a "slip and fall" accident due to there being water left on the Defendant's floor.

5 The matters complained of were caused by the negligence and/or breach of statutory duty by the Defendant, their servants and/or agents. As a result of this fall the Plaintiff suffered personal injuries. The said slip and fall were caused by the negligence of the Defendant, its servants or agents

## PARTICULARS OF NEGLIGENCE

The Defendant was negligent in that it:

(a) Failed to take any or any adequate precaution for the safety of the Plaintiff whilst she was a customer of theirs;

(b) Exposed the Plaintiff to risk of damage or injury of which the Defendant, its servants or agents knew or ought to have known;

(c) Caused or permitted the floor of its supermarket to be in and/or remain in a dangerous and/or defective condition;

(e) Causing or permitting the floor of the premises to be and/or to remain in a dangerous situation and in particular a danger to persons lawfully using their premises;

(f) Failing to take any or any suitable care to see that the Plaintiff would be reasonably safe in using their premises;

(g) Failing to warn the Plaintiff adequately or at all of the presence of the water on the floor so that the Plaintiff could avoid the said water spill;

(h) In the circumstances failed to provide a safe place for the Plaintiff to shop and required the Plaintiff to shop under conditions which were dangerous and unsafe and of which danger and unsafety the Defendant, its servants or agents knew or ought to have known.

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By reason of the matters aforesaid the Plaintiff, who was born on 19th May, 1968 and is 41 years old suffered injury, loss and damage.

### **PARTICULARS OF INJURY**

- (a) Lower back injury which has resulted in a jarring of the spine and pesistent musculoligamentous sprain/strain;
- (b) mechanical back pain and the possible development of traumatic arthritis;
- (c) Pain with extension and numbness in the right thumb
- (d) hypersensitivity in the right leg withthe possibility of mild reflex autonomic upregulation;
- (e) discomfort when lifting items and carrying out her daily duties as a domestic helper;

### **PARTICULARS OF SPECIAL DAMAGES**


Payment to the Cayman Islands Hospital (17.9.07)	CI\$50.00
Payment to Dr Marzouca (17.9.07)	CI\$105.00
Payment to Dr Marzouca (27.09.07)	CI\$80.00
Payment to Dr Marzouca (17.12.07)	CI\$50.00
Payment for Medication (Strand Pharmacy -29.9.07)	CI\$9.45 +19.99
Payment for Physiotherapy (27.11.07)	CI\$230.00
Payment for Physiotherapy (18.12.07)	CI\$165.00
Payment to Dr Quartly (25.04.08)	CI\$101.53

(continuing)

### **WHEREFORE THE PLAINTIFF CLAIMS**

(a) Damages, Interest and Costs.

Dated this 18<sup>th</sup> day of June , 2009.

  
**BROOKS & BROOKS**  
Attorneys At Law for the Plaintiff

To: The Clerk of the Courts

And To: The Defendant

**THIS WRIT OF SUMMONS** was filed by Brooks & Brooks Attorneys At Law for and on behalf of the Plaintiff herein whose address for service is that of her said Attorneys At Law Two, Artillery Court , P O Box 1355GT GRAND CAYMAN



(Attorney) for

(Defendant in Person)

Address for service:

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 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.

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

**Brooks & Brooks  
Attorneys At Law  
P O Box 1355 GT  
GRAND CAYMAN**

**(One, Artillery Court, George Town, Grand Cayman)**

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