

IN THE GRAND COURT OF THE CAYMAN ISLANDS

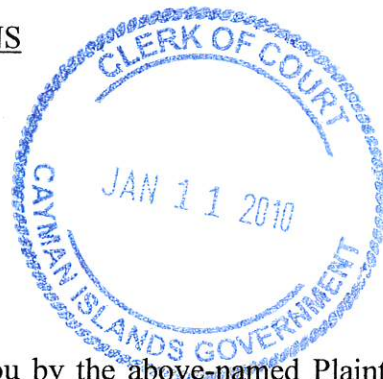


CAUSE NO: 15 OF 2010
LEGAL AID NO. 18 OF 2009

BETWEEN: ELITE NATASHA SHORTER-WRIGHT PLAINTIFF
AND: THE RITZ CARLTON GRAND CAYMAN DEFENDANT

WRIT OF SUMMONS

TO: The Ritz Carlton Grand Cayman
P.O. Box 32348 SMB
Seven Mile Beach, West Bay Road
Grand Cayman
Tel: (345) 943 9000



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 495GT, 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 8th day of January, 2010

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 was at all material times employed as a Houseman by the Defendant. The Defendant was at all material times a Company registered under the laws of the Cayman Islands and carrying on the business of a hotel.

2. That on 16th January, 2007, during the course of her employment, the Plaintiff was instructed by the Defendant through its supervisor of the housekeeping department to lift a heavy king size mattress off one of the beds in the hotel room. The Plaintiff requested assistance to lift the heavy mattress off the bed, but her supervisor denied that request. The Plaintiff felt compelled to carry out her houseman duties and proceeded to lift the king size mattress off the bed by herself. As the Plaintiff was leaning the mattress up against the wall in a standing position, she felt a sharp pain down her lower back.

3. That approximately 10 minutes after lifting the heavy mattress, the Plaintiff went to the use the toilet and realized that blood came out in her urine. The Plaintiff was not menstruating at that time. She immediately reported the incident to the security person on duty and the security person took note of the Plaintiff's complaint. The Plaintiff continued to feel severe pain in her lower back and so attended the West Bay Clinic where she received medication for pain and she was referred to the George Town Hospital for further examination and x-ray.

4. On 17th January, 2007, the Plaintiff went to the Accident and Emergency Department of the George Town Hospital and was examined by Dr. Wilmoth Shillingford who found that there was tenderness over the lumbar vertebrae. The Plaintiff continued to experience severe pain in her back so she returned to the George Town Hospital again on 24th January, 2007.

5. The Plaintiff was again seen and examined by Dr. Shillingford. An ex-ray of the back was performed which shows spina bifida occulta. The Plaintiff was treated with trimethoprim 200 bd 1/52 and diclofenac. The Plaintiff was put on bed rest and was declared unfit to return to work until 29th January, 2007. She received payment from the Defendant for those sick days. The Plaintiff returned to work in the housekeeping department but continued to experience severe pain in her back.
6. That on 13th August, 2007 the Plaintiff returned to the George Town Hospital where she was once again examined and treated with bactrim and was referred to the General Practice Clinic.
7. As a result of the Defendant's negligent act, the Plaintiff experienced severe pain and suffering. She sustained a torn muscle or strain to her lower back. The Defendant is liable to the Plaintiff in damages.

PARTICULARS OF NEGLIGENCE

The Defendant was negligent in that it:

- (a) Caused the Plaintiff to pick up a heavy King size mattress off the bed.
- (b) Failed to get some other proper person such as a male to lift the mattress off the bed.
- (c) Refused to have someone else assist the Plaintiff when she requested help to lift the mattress.

PARTICULARS OF INJURY

1. Severe pain and suffering
2. Fractured or torn muscle in the lower back
3. Passing blood in urine

8. The Plaintiff was born on the 22nd day of April 1976 and was about 30 years of age at the date of the incident. At the time of the incident she was a single mother with a 12 year old son who was totally dependent upon her. She was the sole breadwinner of her family until 2 years ago when she got married. The pain in her back gets worse whenever she has sexual intercourse and this causes a problem in her marriage. Her husband has been unemployed since December, 2009 and she is once again the sole bread winner of her family. The Plaintiff has been compelled to return to work in order to survive although she experiences much pain especially when standing

9. Prior to the accident the Plaintiff enjoyed a fairly healthy life style. She enjoyed dancing, swimming, working out at the gym and walking. After the incident, the Plaintiff is no longer able to carry on her duties at work or carry out her chores around her home without much pain. She is not able to move about without experiencing pain and stiffness in her lower back.

10. The Plaintiff will be handicapped on the job market. The Plaintiff continues to experience much pain and discomfort in her lower back up to the time of filing this Writ. She is not able to stand for a reasonable length of time without experiencing much pain in her back. She is not able to lift, push, pull or bend without experiencing severe pain. The Plaintiff's life will never be the same again.

PARTICULARS OF SPECIAL DAMAGES

Medical expenses to date

Prescriptions

11. The Plaintiff will ask the Court to make and award for future medical care or provisional damages on the assumption that the Plaintiff's injuries are likely to escalate or become chronic over a period of time and will require future medical intervention.

The Plaintiff claims interest on all sums due pursuant to the Judicature Law

AND THE PLAINTIFF claims:

1. Damages
2. Pre and Post-Judgment Interest
3. Costs

Dated this 8th day of January, 2010

Facey-Clarke & Associates

FACEY-CLARKE & ASSOCIATES
Attorneys-at-Law for the Plaintiff

This Writ of Summons was filed by Facey-Clarke & Associates, Attorneys-at-Law for the Plaintiff herein whose address for service is that of the said Attorneys-at-Law, Ground Floor, Unit 119, Elizabethan Square, George Town, Grand Cayman

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: _____ OF 2010
LEGAL AID NO. 18 OF 2009

BETWEEN: ELITE NATASHA SHORTER-WRIGHT PLAINTIFF
AND: THE RITZ CARLTON GRAND CAYMAN 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.

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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
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Service of the Writ is acknowledged accordingly on the _____ day of _____, 2010

Signature of the Defendant or his Attorney

Please complete overleaf

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION**

CAUSE NO: FSD 0043/2010-AJJ
(Originally Cause No. 16 of 2010)

**AND IN THE MATTER OF THE EVIDENCE (PROCEEDINGS IN OTHER JURISDICTIONS)
(CAYMAN ISLANDS) ORDER 1978**

**AND IN THE MATTER OF A REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE
FROM TRIAL COURT JUDGE SILVIA ESTELA GIGENA, JUDICIAL DISTRICT OF
SANTOS, 3RD FAMILY AND PROBATE COURT, REPUBLIC OF BRAZIL**

**AND IN THE MATTER OF CIVIL PROCEEDINGS, LITIGIOUS JUDICIAL SEPARATION
ACTION AGAINST LOURDES MAGALHAES FERREIRA DA COSTA**

ORDER FOR TRANSFER TO FINANCIAL SERVICES DIVISION

UPON reading the written application of the Honourable Attorney-General dated 29 January 2010

AND UPON being satisfied that the cause or matter is a financial services proceeding

IT IS ORDERED that –

- (1) the proceeding is hereby transferred to the Financial Services Division under Cause No. FSD0043/2010-AJJ;
- (2) the proceeding is assigned to the Honourable Justice Andrew Jones;
- (3) no transfer fee be paid by the Applicant;

Dated and filed the 3rd day of February 2010.


CLERK OF COURTS



The Registrar of the Financial Services Division

This Order was filed by the Registrar of the Financial Services Division of the Grand Court, the Law Courts, George Town, Grand Cayman.