

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION



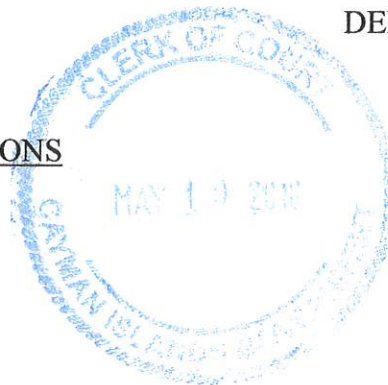
CAUSE NO. G0194 OF 2010

BETWEEN: DWAYNE STANLEY SEYMOUR PLAINTIFF

AND: GARRONE WREY YAP DEFENDANT

WRIT OF SUMMONS

TO: Mr. Garrone Wrey Yap  
Miami  
Florida, U.S.A.



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 19<sup>th</sup> day of May, 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 a father and the lawful husband of Melanie Savine Seymour, a business man and a member of the Legislative Assembly and the third elected member of the District of Bodden in the Cayman Islands.
2. The Defendant was at all material times a Certified American Body Builder and is a member of the National Federation of Personal Trainers with over 10 years experience in mixed martial arts and kettlebelts, etc., and was visiting with the Plaintiff's wife, Melanie Savine Seymour, at the Grand Cayman Beach Suites, West Bay Road, Grand Cayman, Cayman Islands.
3. On 1<sup>st</sup> May, 2010, whilst waiting for his wife in the parking lot of the Grand Cayman Beach Suites and whilst standing next to his wife's Benz SUV, when suddenly and without warning the Defendant came upon the Plaintiff, and using and/or abusing his martial arts and karate expertise, punched and kicked the Plaintiff several times.
4. As a result of the Defendant's reckless and dangerous attack upon the Plaintiff, the Plaintiff suffered injuries including but not limited to severe pain and suffering all over his body, bruising to right elbow, tepper, swelling and tenderness to mid-lower right leg, stiffness and restricted movements to left thumb, swelling and tenderness to dorsolateral aspect of right foot and ankle, abrasion to mucosal aspect upper and lower lip anteriorly, partial avulsion and tenderness to right upper incisor, as well as other pain and suffering to his hand, face, tooth, rib, foot and stomach.
5. The Plaintiff was initially taken to the George Town Hospital where he was examined by Dr. Verley Campbell and received treatment including anti-inflammatory medication. An x-ray was performed on the Plaintiff's right foot and left thumb. He was advised to apply ice, keep his right foot elevated and avoid standing or applying pressure to his right foot.

The Plaintiff continued to experience much severe pain when breathing, pain in his face, tooth, elbow, stomach, chest and rib area and was unable to walk on his right foot and so on 4<sup>th</sup> May, 2010 he was compelled to attend the Chrissie Tomlinson Memorial Hospital for further examination and treatment. He was examined by Dr. Andrew Robinson and received further medication for his injuries. He is still undergoing treatment and is currently receiving physical therapy to his right foot.

6. The Plaintiff will rely on the medical reports from George Town Hospital and the Chrissie Tomlinson Hospital at trial.

#### PARTICULARS OF INJURY

- (a) Severe pain and suffering over his body;
  - (b) Bruising to right elbow;
  - (c) Swelling and tenderness to mid-lower right leg;
  - (d) Stiffness and restricted movements to left thumb;
  - (e) Swelling and tenderness to dorsolateral aspect of right foot and ankle;
  - (f) Abrasion to mucosal aspect upper and lower lip anteriorly;
  - (g) Partial avulsion and tenderness to right upper incisor
  - (h) Pain and suffering including but not limited to his hand, face, tooth, rib, foot and stomach.
7. The Plaintiff is Caymanian by birth and is married with three children. Prior to the incident, the Plaintiff lived a fairly healthy lifestyle. Since the incident on 1<sup>st</sup> May, 2010, the Plaintiff has not been able to move about without severe pain. He has been unable to sleep at nights due to pain in his foot, elbow and rib cage. He has not been able to pick up and play with his young children as he would before the incident. The Plaintiff has not been able to do any form of exercise at the gym since he was beaten up by the Defendant. He enjoyed dancing, swimming, playing football, working out at the gym and walking. After the incident, the Plaintiff is no longer able to play football, swim, or dance.

8. The Defendant has caused the Plaintiff to suffer mental and emotional stress, much humiliation and embarrassment within his family and the public in general. The Plaintiff's life will never be the same again.
9. The Defendant is liable to the Plaintiff in damages and costs.

PARTICULARS OF SPECIAL DAMAGES

Medical expenses

Physiotherapy

Medication

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 19<sup>th</sup> day of May, 2010

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

This Writ 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, P.O. Box 2545 GT, Grand Cayman KY1-1104, Cayman Islands

### 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.

Facey-Clarke & Associates  
Unit 119, Ground Floor, Elizabethan Square  
P.O. Box 2545, KY1-1104  
Grand Cayman, Cayman Islands

Tel: 345 946-8111

Fax: 345 946-8141

Email:

**Indorsement by defendant's Attorney (or by defendant if suing in person)** of his name, address and reference, if any, in the box below.