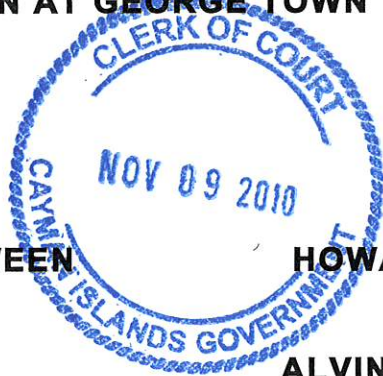


**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
HOLEN AT GEORGE TOWN**



**CAUSE NO. 414 of 2010  
LEGAL AID NO. 35/2010**

**BETWEEN HOWARD R. RIVERS PLAINTIFF  
AND ALVIN WINSTON BROWN DEFENDANT**

TO: ALVIN BROWN  
WEST BAY  
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 attached 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 Courts Office, P.O Box 495, GT, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest the proceedings.

If you fail to satisfy the claim or to return the Acknowledgement of Service with the time stated, or if you return the Acknowledgement without stating that you intend to contest these proceedings, the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.

**Issued this 9 day of November, 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 day of June, 2010, unless renewed by Order of the Court.

**IMPORTANT**

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

## **STATEMENT OF CLAIM**

1. That the Plaintiff is an individual who, at the relevant time, was resident in West Bay, Grand Cayman.
2. That at all material times, the Defendant was an individual resident in West Bay, Grand Cayman.
3. That on Friday November 16, 2007 on or about 8.00 pm, the Plaintiff was at Kelly's Restaurant in West Bay Grand Cayman speaking to female friend, when the Defendant walked up to him and assaulted him.
4. That the Defendant, without reasonable cause or provocation, assaulted the Plaintiff by hitting the Plaintiff in his right eye, with his fist causing the Plaintiff to fall to the ground.
5. That while the Plaintiff was lying on the ground, the Defendant continued to punch and hit him in his upper back and kicked him in his side.
6. That by reason of the matters aforesaid, the Plaintiff suffered pain, injury, loss and damage.
7. That on or about 27<sup>th</sup> November, 2008, the Defendant was convicted of assault causing grievous bodily harm in the Grand Court of the Cayman Islands, and sentenced to a period of imprisonment at Her majesty's Prison, Northward, Grand Cayman.
8. These Grand Court proceedings arose out of the incident on November 16, 2007 when the Defendant assaulted the Plaintiff, and the Plaintiff will rely on the said conviction as prima facie evidence of the assault and battery upon himself.

## **PARTICULARS OF INJURY**

- a-right upper and lower eyelid oedema and bruising
- b-large subconjunctival haemorrhage in the right eye
- c-laceration just above the right eye
- d-traumatic injuries to the face and eye
- e-incomitant right esotropia

f-retinal tear

g-sub-total retinal detachment

h-retinal detachment surgery

i-removal of the right eye

j-prosthesis for the right eye

k-corneal opacity in the left eye

l-total reliance on left eye

m-inability to drive or operate machinery

n-greater likelihood of falling

o-severely decreased ability to judge distances

p-total loss of binocularity and stereovision

q-inability to climb ladders or use steps

r-damage to his psychological state

That the Plaintiff continues to need regular check ups and assessments by his medial doctors, every six months.

**PARTICULARS OF SPECIAL DAMAGES:-**

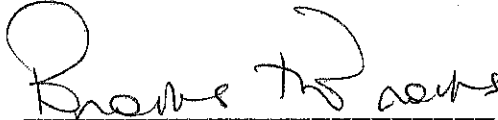
Medical and incidental expenses:-	J \$ 207,264.92
Loss of wages ( and continuing)	CI \$ 123,200.00

**AND THE PLAINTIFF CLAIMS: -**

1. Damages for personal injuries, pain and suffering
2. Special damages in the sum of CI \$ 123,200 and J \$ 207, 264.92 and continuing.
3. Costs for continuing and future medical care and treatment
4. Interest pursuant to the Judicature Law

5. Costs
6. Any other or further relief that this court deems just

**Dated this 29<sup>th</sup> day of October, 2010.**



**Brooks & Brooks**  
**For the Plaintiff**

**NOTE:**

If within the time limited for returning the Acknowledgement of Service the Defendant pays the total amount claimed plus interest and costs, further proceedings will be stayed. The money must be paid to the Plaintiff or the Plaintiff's attorneys.

THIS WRIT OF SUMMONS is filed by Brooks & Brooks for the Plaintiff, whose address for service is Two Artillery Court, Shedden Road, George Town, Grand Cayman.

**NOTES ON ADDRESS FOR SERVICE**

**Attorney:** Where the Respondent is represented by an Attorney, state the Attorney's place of business in the Cayman Islands. A Respondent may not act by a foreign Attorney.

**Respondent in person:** Where the Respondent 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.

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

**Brooks & Brooks  
Attorneys-at-Law  
One Artillery Court  
Shedden Road  
George Town  
Grand Cayman  
British West Indies**

**Tel.: (345) 949 9377**

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

[Empty box for indorsement]



### 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 his 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.