

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 161 OF 2011

BETWEEN:

BALBIR KAUR BHUMVRA

PLAINTIFF

AND:

ROBERT RAYNOR

1ST DEFENDANT

CARIBBEAN UTILITIES COMPANY LTD

2ND DEFENDANT



WRIT OF SUMMONS

To:

- (1) **ROBERT RAYNOR** - c/o C U C Caribbean Utilities Company Ltd, Corporate Headquarters & Plant, 457 North sound Road, P.O. Box 38, Grand Cayman KY1-1101.
- (2) **C U C Caribbean Utilities Company Ltd** - Corporate Headquarters & Plant, 457 North sound Road, P.O. Box 38, Grand Cayman KY1-1101.

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 Fourteen days [14] 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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this day of 2011

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.

This WRIT was filed by Mourant Ozannes Attorneys-at-Law for and on behalf of the Plaintiff herein, whose address for service is Harbour Centre, Second Floor, P.O. Box 1348, Grand Cayman KY1-1108, Cayman Islands (Ref: 2039801/DIXEN/MdFJ/3369533/1)

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 installments or otherwise.

See over for notes for guidance

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.

BETWEEN: BALBIR KAUR BHUMVRA PLAINTIFF
 AND: ROBERT RAYNOR 1ST DEFENDANT
 CARIBBEAN UTILITIES COMPANY LTD 2ND 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

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.

Mourant Ozannes
Attorneys-at-Law
Second Floor, Harbour Centre
P.O. Box 1348
George Town
GRAND CAYMAN, KY1-1108 - Ref 2039801/ND

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

[Empty box for defendant's attorney indorsement]

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2011

BETWEEN-

BALBIR KAUR BHUMVRA

PLAINTIFF

AND

ROBERT RAYNOR

1ST DEFENDANT

CARIBBEAN UTILITIES COMPANY LTD

2ND DEFENDANT

STATEMENT OF CLAIM

1. The Plaintiff is a retired nurse residing in Middlesex, England. At the material time the Plaintiff was visiting her family who were residing in Grand Cayman.
2. The First Defendant was at all material times the driver of a white Ford Ranger pick-up truck bearing registration number 90-523 ("the Truck") belonging to the Second Defendant.
3. The Second Defendant, the registered owner of the Truck, was the employer of the First Defendant, and the First Defendant was at the material time driving in the course of his employment.
4. On the afternoon of 6 May 2008 at approximately 5.00 pm the Plaintiff left her son's home at Sunrise Boulevard, South Sound, Grand Cayman and walked to Hurley's supermarket ("Hurley's"), situated at Grand Harbour.

5. After spending approximately 45 minutes inside Hurley's, the Plaintiff left Hurley's to return to her son's home. At approximately 5.50 pm the Plaintiff was waiting to cross the north side of Crewe Road by the Grand Harbour roundabout. She waited for a clear gap in the road in order to allow her to safely cross the road.
6. At the material time the First Defendant was travelling in an easterly direction on the south side of Crewe Road towards the roundabout opposite Grand Harbour. As he approached the roundabout the Defendant brought the Truck to a complete stop about two meters away from the Plaintiff.
7. The Plaintiff made eye contact with the First Defendant as he sat in the driver's seat. The First Defendant, with a nod of his head, indicated to the Plaintiff that he saw her waiting to cross the road and with his nod of the head motioned for the Plaintiff to cross the road.
8. Because the Truck was stationary, the Plaintiff looked past it to ensure that the second carriageway was clear to allow her to cross the road. The Plaintiff, seeing that it was safe for her to cross the road, stepped into the road looking at the First Defendant's face at all times. She even raised her hand to thank the First Defendant.
9. As the Plaintiff was crossing the road, the Truck started to move forward. Due to the close proximity of the truck the Plaintiff did not have enough time to step back onto the safety of the grass verge.
10. The Plaintiff had no time to react as the front of the vehicle struck her at her hip level. As a result of the collision she fell onto the road. The Truck then stopped and the First Defendant stepped out of the vehicle to apologise.

11. The collision was caused solely by the negligence of the First Defendant in the driving, management and control of the Truck.

PARTICULARS OF NEGLIGENCE

- (a) Failing to exercise all necessary caution while driving;
 - (b) Failing to keep a proper lookout when he knew or ought to have known that there were or that there were likely to be pedestrians crossing the road by Grand Harbour;
 - (c) Failing adequately or at all to observe or heed the presence of the Plaintiff in the vicinity of the Truck and the roundabout;
 - (d) Failing to stop, swerve or otherwise manoeuvre his vehicle in time so as to avoid the collision;
 - (e) Colliding with the Plaintiff;
 - (f) Failing to give any or any adequate warning of his intention to continue driving;
 - (g) Driving into the Plaintiff's path thereby failing to give her an opportunity to avoid the collision;
 - (h) Driving too fast in the circumstances, making it impossible for the Plaintiff to avoid the collision.
12. As a consequence of the Defendants' negligence alone, the Plaintiff has suffered personal injury, loss and damage.

PARTICULARS OF INJURY

13. After the collision, an ambulance was called. During this time the Plaintiff was experiencing severe pain in her lower body and was unable to move her left leg. When the ambulance arrived and attempted to move her, the pain became markedly worse. Part of her left leg had gone numb.
14. The Plaintiff was taken to George Town Hospital where she was attended to for her injuries.
15. The Plaintiff was diagnosed with a transcervical fracture of her left femur and a bipolar arthroplasty of her left hip was carried out. She spent a total of 15 days in hospital recovering from her injuries.
16. On her return to England the Plaintiff has been attending her family doctor and has undergone many rehabilitation sessions with a physiotherapist to assist in her recovery.
17. Prior to the accident the Plaintiff enjoyed an active social life and was involved in many activities which she cannot now enjoy.
18. Since the accident, the Plaintiff has been in constant pain in the left hip area. The pain tends to be worse on activity. She is unable to turn over in bed onto her right side. She now walks slowly and requires the aid of a walking stick whenever she leaves her house. The Plaintiff prefers to hold on to someone's arm when walking. She also limps to compensate for the injuries she suffered in the accident and the subsequent hip operation.

19. Prior to the accident, the Plaintiff was very mobile and independent. Since the accident, the Plaintiff has had much less mobility. Climbing the staircase in her home is now a major hurdle for the Plaintiff. Previously her bedroom was upstairs, but now she has had to have her bedroom downstairs. Her family members assist in fetching items for the Plaintiff. The Plaintiff's daughter visits daily to help around the house. The Plaintiff is no longer able to do shopping on her own and can do very little housework. Since the accident, the Plaintiff's ability to walk and get in and out of a car has been severely restricted. This lack of mobility is a source of unhappiness both with regard to herself and her family.
20. The Plaintiff is able to dress herself and wash herself but is now unable to use a bath, something which she used to use before the accident. She now depends on a shower.
21. There is a 50 (fifty) per cent chance that the left bipolar prosthesis will have to be revised in the future. to that end she needs to be monitored at intervals with X-rays by an orthopaedic surgeon.
22. The Plaintiff's present status will not improve. She will always have difficulty with mobility and will require more help in the future.
23. The Plaintiff was always a leading member of the local Sikh temple and used to attend regularly and used to read the holy book to the congregation. This involved sitting on the ground for up to two hours at a time whilst reading the holy book. The Plaintiff now cannot do this and due to her reduced participation, she feels left out of the activities taking place in the temple. This has seriously deteriorated her quality of life.
24. The restriction set out above is causing the Plaintiff great personal distress as she is unable to follow and practice her religion in the manner in which she has been doing all her adult life. She is also restricted in the amount of time spent walking and standing.

She used to enjoy walking in the local park but now is restricted to the length and time she spends in the park. The Plaintiff has felt frustrated at her inability to carry out tasks she could have managed prior to the accident and sometimes gets depressed.

25. The Plaintiff now takes painkillers, especially co-dyramol and paracetamol, on a daily basis to control the pain.
26. The cost of the Plaintiff's treatment in the George town Hospital was in the region of KYD 80,000.
27. Further to this, the Plaintiff has suffered special damages as follows:

PARTICULARS OF SPECIAL DAMAGE

A schedule of loss dealing with the Plaintiff's Claim for Special Damages will be served in due course.

AND THE PLAINTIFF CLAIMS:

- a) Damages
- b) Pre-judgment and post-judgment interest in accordance with Section 34 of the

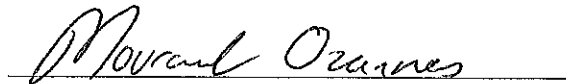
STATEMENT REGARDING INTEREST

The Plaintiff claims interest from 6 May 2008 at the rate of 7.25% per annum or as may be varied from time to time by legislation.

STATEMENT REGARDING INSURER

The Defendants are insured by Fidelity Insurance (Cayman) Limited of Cayman Financial Centre, Dr. Roy's Drive, PO Box 2174, Grand Cayman KY1-1105.

Dated this 3rd day of May 2011



MOURANT OZANNES
Attorneys-at-Law for the Plaintiff

THIS STATEMENT OF CLAIM was filed by Mourant du Feu & Jeune, Attorneys-at-Law for and on behalf of the Plaintiff whose address for service is Second Floor, Harbour Centre, P.O. Box 1348, Grand Cayman, KY1-1108. 2039801/DIXEN/MdFJ/3369528/1