

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: ³⁷⁴ OF 2011

BETWEEN

LORAIN GILLIES

PLAINTIFF

AND



CAYMAN AIRWAYS LIMITED

DEFENDANT

WRIT OF SUMMONS

TO: Cayman Airways Limited
P.O. Box 1101
Cayman Islands



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 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 Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this day of September 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.

STATEMENT OF CLAIM

1. At all material times the plaintiff was employed as a financial controller by the defendant at its premises t Cayman Airways Office Administration Building, Owen Roberts Drive, George Town, Grand Cayman.
2. On the 23rd day of September 2008 in the course of her employment the claimant was exiting the building by descending the main stairs and intending to leave by the main entrance and exit door to the building.
3. As she reached the bottom of the stairs she stepped onto the ground floor and slipped and fell on the floor. The floor was wet at the time of the fall.
4. The accident and resulting injury were caused by the negligence of the defendant, its employees, servants or agents.
5. Particulars of Negligence
 - (a) Failing to ensure any or adequate system of inspection and/or cleaning of the work premises.
 - (b) Allowing water to be on the floor in an area where it knew or ought to have known employees would be working and passing by.
 - (c) Failing to keep the floor clear of hazards or potential hazards.
 - (d) Causing the floor to be or to become or to remain in a dangerous condition and/or in such a condition as to hinder the use thereof by the Plaintiff.
 - (e) Failing to take any or reasonable care to see that the Plaintiff would be reasonably safe in using her workplace.
 - (f) Failing to fence off an area that was wet and to provide any or any adequate alternative means of egress.
 - (g) Causing or permitting the area to be or to become or to remain in a dangerous condition as a result of the presence thereon of substances likely to cause persons to slip.
 - (h) Failing to erect any or any adequate warning signs in respect of the dangers upon the area which the Plaintiff was injured.

- (i) Failing to devise or enforce any or any adequate system of work which would have ensured that the unsafe condition of the same was detected and the same remedied before the Plaintiff's accident.
6. As a result of the Defendant's negligence, the Plaintiff has suffered personal injuries, loss and damage.

Particulars of Personal Injury

7. The plaintiff who was born on the 3rd February 1962 sustained the following injuries:
- (a) General pain and suffering including severe pain in the back and hip.
 - (b) Disc herniation at L4-L5 with possible nerve root compression and mild spinal canal stenosis.
 - (c) The most recent MRI in June 2011 also shows L5-S1 central annulus rupture with possible acute pain syndrome.
8. As a result of her injuries the plaintiff attended at Chrissie Tomlinson hospital the day after the accident complaining of hip and back pain.
9. The plaintiff attended physiotherapy for her injuries one week post incident and thereafter attended for 6 sessions of treatment.
10. The plaintiff continued to attempt to lead a normal life but experienced episodes of pain restricting her activities and requiring further consultation with medical professionals and had to take time off work, attended at physiotherapy and frequently takes medication for the pain.
11. The plaintiff suffered a severe bout of lower back pain in or around June 2011 and has been off work sick due to her injuries from 8 June 2011 to 7 September 2011 and has returned to work on a limited hours basis for the next 4 to 6 weeks.
12. The plaintiff has been advised to take facet joint injections, an epidural and to take voltarin medication.
13. The plaintiff has suffered loss of amenity as follows:
- (a) Inability to sit, stand or walk for extended period of time without pain or discomfort.

- (b) Unable to perform usual household chores such as mopping, sweeping and ironing.
- (c) Inability to continue to be involved in usual physical activities including jogging, badminton and squash.
- (d) Incapable of lifting heavy items such as suitcases and grocery bags.
- (e) At times unable to attend to needs of 8 year old daughter such as preparing meals and bathing.

14. The plaintiff has suffered handicap in the labour market as follows:

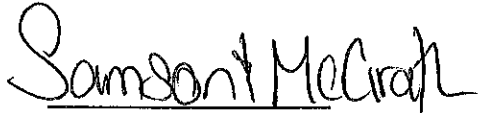
- (a) The plaintiff is employed as a financial controller in a role which requires sitting at a desk for the working hours.
- (b) The injuries suffered make sitting at a desk uncomfortable and difficult for the plaintiff.
- (c) The plaintiff will have to disclose her past medical history when applying for employment in the future.
- (d) The plaintiff is likely to cease current employment with the defendant in the next number of months having received written communication from her employer stating that her contract will be terminated either on 20 September or 20 December 2011.
- (e) There is a real risk that thereafter the plaintiff will be out of work or in poorer paid employment as a result of the residual effects of the injury.

Particulars of Loss and Damage

- 15. The plaintiff was born on the 3rd day of February 1962.
- 16. At the time of the accident the plaintiff was aged 46.
- 17. At the time of issuing these proceedings the plaintiff is aged 49.
- 18. Prior to the accident the plaintiff's net monthly wage was \$7,560 and is currently \$8,726.
- 19. Co-pay cost of medical treatment to date is \$1,200.
- 20. Future cost of medical treatment. Full details cannot be ascertained at this time but will be forwarded in due course.
- 21. The Plaintiff claims interest pursuant to section 34 of the Judicature Law (2007 Revision) on the amount found to be due to the Plaintiff at such rate and for such periods as the court thinks fit.

AND THE PLAINTIFF claims:

1. Damages
2. Interest in accordance with the Judicature Law (2007 Revision)
3. Costs



Samson & McGrath

Attorneys for the Plaintiff

THIS WRIT was issued by Samson & McGrath, Attorneys for the Plaintiff whose address for service is 5th Floor Genesis Building, Genesis Close, P.O. Box 446 GT, George Town, Grand Cayman.

**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 instalments or otherwise.

See over for notes for guidance

Please complete overleaf

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 its 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.

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BETWEEN

LORAINE GILLIES

PLAINTIFF

AND

CAYMAN AIRWAYS LIMITED

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.

Samson & McGrath
Attorneys at Law
3rd Floor Genesis Building
Genesis Close
PO Box 446
George Town
Grand Cayman

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

