

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 197 OF 1997

BETWEEN:

BYRON EBANKS

PLAINTIFF

AND:

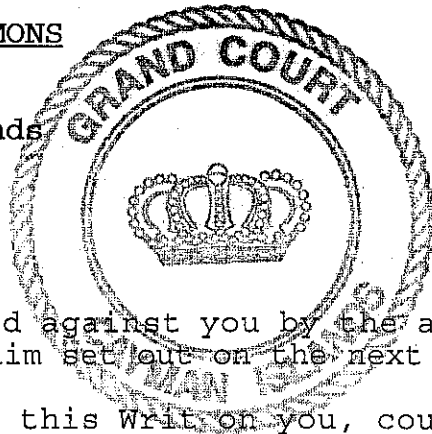
THE ATTORNEY GENERAL OF
THE CAYMAN ISLANDS

DEFENDANT

MAR. 25. 1997

WRIT OF SUMMONS

TO: The Attorney of the Cayman Islands
c/o Legal Department
4th Floor, Tower Building
P.O. Box 907G
George Town, 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 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 25th day of March, 1997.

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 the order of the Court.

IMPORTANT

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

INDORSEMENT

The Plaintiff's claim is for damages for personal injury to the Plaintiff and loss and expense incurred by the Plaintiff by reason of the negligence and/or breach of contract of the Government of the Cayman Islands ("Government"), by its servants or agents employed at George Town Hospital (the "Hospital"), Grand Cayman.

The injury, loss and expense occurred in the following circumstances:-

1. The Plaintiff was at all material times a patient at the Hospital and between November 1992 and April 1995 received kidney dialysis and dialysis related treatments at the Hospital.
2. As the Government, through its servants or agents, at all material times well knew, the Plaintiff's name was on a transplant recipient list maintained at University Hospital in London, Ontario, Canada, as a prospective donee for a kidney transplant.
3. At all material times, the medical staff at the Hospital maintained a memorandum with details of patients, including the Plaintiff, resident in the Cayman Islands who were on the transplant recipient list referred to in paragraph 2 above. That memorandum, which was at the material time and still is on display at the reception at the Hospital, contains, inter alia, a list of contact telephone numbers where the relevant members of the medical staff can be reached (day or night) when a suitable kidney becomes available.
4. In or about the 4th day of April, 1994, a representative of the University Hospital in Canada telephoned the Hospital, spoke with a member of staff and informed that member of staff that a suitable kidney had become available for the Plaintiff to enable him to undergo a transplant operation.
5. Notwithstanding that, Government, through its servants or agents, knew or ought to have known of the importance of notifying the Plaintiff of this available kidney as soon as possible so that immediate arrangements could be made for him to travel to Canada, Government, through its servants or agents, failed to take any or any proper steps to notify or make contact with the Plaintiff notwithstanding that he was on the Island at the material time.
6. The Plaintiff was deprived of the opportunity of undergoing a kidney transplant operation until April 1, 1995, and in the result has sustained pain and suffering and incurred

expenses for dialysis and dialysis related treatments.

7. In the premises, the Plaintiff has suffered loss and damage, full particulars of which will be contained in a separate Statement of Claim.
8. The Plaintiff has been in correspondence with the Director of Health Services and the Ministry of Health, Drug Abuse Prevention and Rehabilitation with respect to his claim.

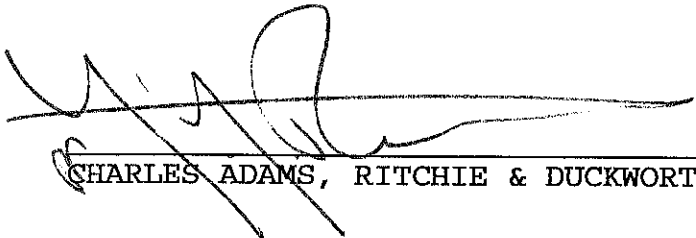
[N.B. The above particulars are given in compliance with Order 77, r.3 of the Grand Court Rules.]

MAR 25 1997

AND the Plaintiff claims:

1. Damages.
2. Further or other relief.
3. Interest and costs.




CHARLES ADAMS, RITCHIE & DUCKWORTH

THIS WRIT was issued by Charles Adams, Ritchie & Duckworth, Attorneys-at-Law, for and on behalf of the Plaintiffs herein, whose address for service is that of their said Attorneys-at-Law, P.O. Box 709G, Zephyr House, Mary Street, George Town, Grand Cayman, B.W.I.

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CAUSE NO. 197 OF 1997

BETWEEN:

AND:

BYRON EBANKS

PLAINTIFF

THE ATTORNEY GENERAL OF
THE CAYMAN ISLANDS

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

Service of the Writ is acknowledged accordingly

(Signed)

[Attorney] for

[Defendant in person]

Address for service:

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.

**CHARLES ADAMS, RITCHIE &
DUCKWORTH, Attorneys-at-Law**
P.O. Box 709G, George Town,
Grand Cayman, B.W.I.
Attn: G.F. Ritchie 211/100GFR

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

Acknowledgment of service of writ of summons (O.12, r.3)

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 notice 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 tread 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.