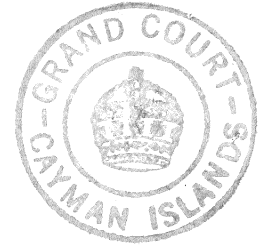


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 175 OF 2012

BETWEEN: Kenworth C. Connor PLAINTIFF
AND Cayman Islands Health Services Authority 1st Defendant
AND Dr. William Huizinga 2nd Defendant



WRIT OF SUMMONS

To: Cayman Islands Health Services Authority AND
P.O.Box 915 Dr. William Huizinga
George Town G.T.Hospital,GT
Grand Cayman Grand Cayman

THIS WRIT OF SUMMONS has been issued against you by the above named Plaintiffs in respect of the claim set out on the next page.

Within 14 days after 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, G.T. Grand Cayman the accompanying Acknowledgment of Service form stating therein whether you intend to contest the proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you fail to 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 at George Town this 30 day of March, 2012.

NOTE: This Writ may not be served later than four(4) calendar months (or, if leave is required to effect service out of the jurisdiction, six (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 patient at the GTHospital which is administered and operated by the 1st defendant.
2. The 1st defendant at all material times was a body corporate created by the Health Services Authority Law (Law 7 of 2002) which succeeded the Cayman Islands Health Services Department and took over,inter alia, the administration of medical services throughout the island.
3. The 2nd defendant is and was at all material times an employee of the 1st defendant and the surgeon who carried out surgeries on the plaintiff resulting in the personal injury, loss and damages complained of.
4. That in or around April 2009, the 2nd defendant carried out a hernia repair surgery on the plaintiff with the use of mesh at the GT.Hospital.
5. That following the operation and the discharge of the plaintiff from the hospital, the plaintiff developed lower abdominal; pain and abdominal distension and difficulty passing gas.
6. That as a result thereof, the plaintiff was readmitted to the hospital for a further surgery which involved an exploratory laparotomy drainage of an abscess which had developed from the 1st surgery.
7. That after some ten days following this 2nd surgery, and while still a patient at the hospital, a ST Scan was done on the plaintiff which revealed that he still had abscesses in his abdomen and he continued to feel severe pain and discomfort.
8. That serious concern about this medical problem led the plaintiff to subsequently seek medical treatment overseas and in or around June 2009, the plaintiff went to Baptist Hospital in Miami where he was seen by a Dr. Weinberger.
9. That tests,x-rays etc conducted by Dr. Weinberger at Baptist revealed that the plaintiff had developed an intestinal vovulus involving the mesh placed there at the time of the hernia repairs by the 2nd defendant.
10. That prior to and while at Baptist, the plaintiff continued to suffer pain and discomfort resulting from the surgeries carried out by the 2nd defendant.
11. That Dr. Weinberger had to carry out a further surgery on the plaintiff at Baptist to remedy the medical error of the 2nd defendant by way of removing the 'piece of injured bowel, removing any residual mesh and draining all abscesses ' resulting from the surgeries carried out by the 2nd defendant.
12. The negligent operation of the plaintiff resulted in his suffering pain,discomfort, stress and anxiety.

PARTICULARS OF NEGLIGENCE

13. (a) Failure of the 2nd defendant in his legal and professional duty to exercise reasonable and due care and skill in operating on the plaintiff and failure of both defendants to properly supervise the plaintiff post operatively.
(b) Failure of the defendants to take reasonable care to ensure that the plaintiff was not exposed to serious risk of injury or damage.

- (c) Causing the plaintiff to suffer serious post operative side effects through the negligent or incorrect performance of the surgery.
- (d) The defendants breached their duty of care to the plaintiff by failing to conform to good medical practice in the course of the operation
- (e) The 2nd defendant failed to adhere to the standard of the ordinary skilled surgeon exercising and professing that special skill in the performance of the operation.
- (f) That the pain, suffering discomfort to the plaintiff is directly attributable to the negligent treatment, operation and post operation of the plaintiff.

PARTICULARS OF INJURY

The plaintiff will rely on the medical reports/notes of Dr. Weinberger made between June 7 and July 6, 2009 detailing the injuries, loss and damages to the plaintiff.

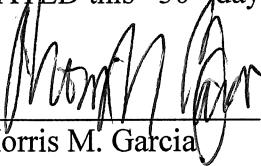
PARTICULARS OF SPECIAL DAMAGES

The plaintiff reserves the right to produce full details of any and all special damages at the trial of this action.

AND THE PLAINTIFF CLAIMS FROM THE DEFENDANTS

- (i) Damages for pain, suffering and loss of amenities
- (ii) Pre- and Post judgment interest according to statute and/or law.
- (iii) Costs
- (iv) Further and/or other relief.

DATED this 30th day of March, 2012.



Morris M. Garcia

To: The Clerk of Courts

And To: the defendants, c/o their attorneys-at-law, Mourant Ozannes, Harbour Centre,
G.T. Grand Cayman.

Filed by Morris Garcia, attorney-at-law for the Plaintiff of Suite #2, Nevlaw Bldg, G.T,
Grand Cayman.

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 acting in person) of his name, address and reference, if any, in the space below:

Morris M. Garcia, Suite #2,
Nevlaw Building,GT
Grand Cayman, Cayman Islands

Indorsement by Defendant's attorney (or Defendant if acting in person) of his name, address and reference, if any in the space below:

**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 495, George Town, Grand Cayman.

2. A defendant who states in his Acknowledgement of Service that he intends to contest the proceedings **must also serve a defence** on the attorney for the plaintiff (or on the plaintiff acting in person).

If a Statement of Claim is endorsed on the Writ (ie. 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 a Statement of Claim is not endorsed 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 affidavit of his means. The affidavit should state any offer which the defendant desires to make for the payment of the money by installments 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 a 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 175 of 2012

BETWEEN:

KENWORTH CARDEN CONNOR

Plaintiff

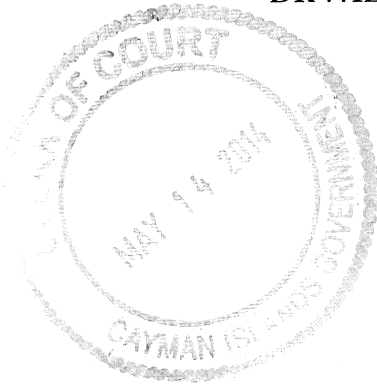
AND:

CAYMAN ISLANDS HEALTH SERVICES AUTHORITY

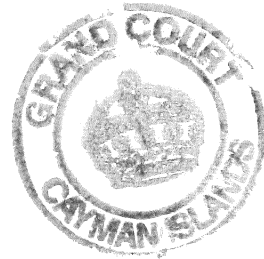
First Defendant

DR WILLIAM HUIZINGA

Second Defendant



AMENDED SUMMONS



LET ALL PARTIES concerned attend before the Judge in Chambers at the Law Courts, George Town, Grand Cayman on the day of 2014 at am/pm upon the hearing of an application by the Second Defendant for the following relief:

1. An order that the claim commenced by the Plaintiff by way of Writ of Summons dated 30 March 2012 (**the Claim**) be struck out as against the Second Defendant as disclosing no reasonable cause of action against the Second Defendant and/or because it prejudices or embarrasses the fair trial of this action and/or because it is otherwise an abuse of the process of the Court.
2. Alternatively to paragraph 1, an order that unless the Plaintiff do amend his Statement of Claim within 21 days to give full and sufficient particulars including those which identify:
 - (i) the precise basis on which it is alleged that the Second Defendant undertook the surgery referred to in paragraph 4 of the Claim;
 - (ii) the 'operation' referred to in paragraph 12 of the Claim;
 - (iii) the 'surgery' referred to in paragraph 13 of the Claim; and
 - (iv) the 'medical error' alleged at paragraph 11 of the Claim;

the Claim be struck out as against the Second Defendant.

3. The Second Defendant do have leave to file and serve an Amended Defence in the form attached hereto.

~~3.4.~~ Such further orders or directions as the Court considers fit.

~~4.5.~~ Costs

Dated this 14 day ~~September 2013~~ May 2014

Mourant Ozannes

MOURANT OZANNES

Attorneys for the Second Defendant

To: The Clerk of the Court

And To: ~~Morris M. Garcia~~ Charles Clifford
Attorney for the Plaintiff
Clifford Law Associates

TIME ESTIMATE: The estimated length of this hearing is a half to one day

BETWEEN:

KENWORTH CARDEN CONNOR

Plaintiff

AND:

CAYMAN ISLANDS HEALTH SERVICES AUTHORITY

First Defendant

DR WILLIAM HUIZINGA

Second Defendant

AMENDED DEFENCE OF SECOND DEFENDANT

1. References in this pleading to paragraph numbers are, unless expressly stated to the contrary, to those in the Statement of Claim.
2. At all material times, the Second Defendant discharged his functions and duties in good faith as an employee of the First Defendant and accordingly relies upon section 12 of the Health Services Authority Law (2010 Revision).
- ~~2.3.~~ Paragraph 1 is denied. The Second Defendant avers:
 - (a) The Plaintiff attended the emergency department of the George Town Hospital ("GTH") on 9 September 2007 having suffered a number of stab wounds. These were repaired in surgery that day by Dr Samir Cawich. The Plaintiff was discharged on 12 September 2007;
 - (b) The Plaintiff returned to GTH on 8 November 2008, complaining of swelling and pain to his abdomen but was not admitted;
 - (c) The Plaintiff again attended GTH on 13 May 2009, complaining of abdominal pain and vomiting, and was admitted by Dr Vinton Douglas. The Plaintiff was discharged on 15 May 2009;
 - (d) On 1 June 2009, the plaintiff was re-admitted to GTH to undergo an exploratory Laporotomy performed by the Second Defendant; and

(e) The Plaintiff discharged himself from GTH on 12 June 2009.

~~3.4.~~ The Second Defendant has no knowledge of, and therefore no admissions are made as to, paragraph 2.

~~4.5.~~ It is admitted that the Second Defendant was, at all material times, an employee of the First Defendant. Save as expressly admitted, paragraph 3 is denied.

~~5.6.~~ Paragraph 4 is denied. In the premise it is expressly denied that the Second Defendant either examined or treated the Plaintiff in or around April 2009. Further, it is expressly denied the Second Defendant carried out a hernia repair operation on the Plaintiff as alleged or at all.

~~6.7.~~ As to paragraph 5, no admissions are made as to the alleged pain, abdominal distension and difficulty passing gas, save that it is specifically denied that the same was caused or contributed to by the alleged or any act, omission or negligence of the Second Defendant.

~~7.8.~~ No admissions are made in respect of paragraph 6, save as expressly set out below. In the premise the Second Defendant avers:

- (a) Following the Plaintiff being admitted to the GTH on 13 May 2009, he was examined by the Second Defendant;
- (b) On 15 May 2009 the Plaintiff was discharged by the Second Defendant with instructions to undergo a CT scan of his abdomen, which was undertaken on 31 May 2009;
- (c) A report prepared following that scan identified a thickened, aperistaltic bowel loop and a mass adjacent to the bowel;
- (d) On 1 June 2009 the Plaintiff was re-admitted and examined by the Second Defendant. The Plaintiff, in the course of the examination, was fully apprised of his options, including surgery and elected to undergo an exploratory Laparotomy;

- (e) On 2 June 2009 the Plaintiff signed a '*Consent to Surgery*' following which he underwent an exploratory Laparotomy performed by the Second Defendant;
- (f) During the course of the exploratory Laparotomy, the Plaintiff's bowel was found to be oedematous, thickened and dilated with internal volvulus. A segment was also found to be stuck to a piece of meshgraft. An inter-abdominal mass was also found at the root of the small bowel mesentery, which consisted of thickened, dilated bowel draped around a large retroperitoneal abscess;
- (g) As a result of these findings, the Second Defendant opened and drained the abscess. The small bowel was also meticulously unravelled and freed. The large bowel and solid organs were then examined and no damage was found. Following this, a peritoneal washout was performed.

~~8.9.~~ As regards paragraph 6, the Plaintiff has failed to particularise any allegation of negligence or identify any breach of duty. The Second Defendant reserves the right to further plead to any such allegation if so made.

~~9.10.~~ At paragraph 7, the Second Defendant admits the Plaintiff, whilst still an inpatient at GTH, underwent a CT scan of his Abdomen and Pelvis with oral contrast on 11 June 2009. This scan revealed that there was an inflammatory mass present in the Plaintiff's upper abdomen which encompassed the bowel. No admissions are made as to the alleged pain and discomfort. Save as set out above, paragraph 7 is denied. The Plaintiff has failed to particularise any allegation of negligence or identify any breach of duty. The Second Defendant reserves the right to further plead to any such allegation if so pleaded.

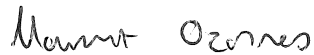
~~10.11.~~ The Second Defendant has no knowledge of, and therefore no admissions are made in respect of, the allegations set out in paragraphs 8, 9, 10 and 11, to which the Plaintiff is put to strict proof. No admissions are made as to the alleged pain and discomfort suffered by the Plaintiff as alleged or at all, and it is specifically denied that the same was caused or contributed to by the alleged or any negligence of the Second Defendant.

~~11.12.~~ Paragraph 12 is denied. Plaintiff has failed to properly identify or particularise the negligent operation alleged. Further, the Plaintiff has failed to properly identify or particularise any causal relationship between the Second Defendant, and the Plaintiff's alleged suffering, pain, discomfort, stress and anxiety. If such relationship is alleged by the Plaintiff, it is denied, and the Plaintiff is put to strict proof thereof. The Second Defendant reserves his right to further plead to any such allegation when properly pleaded.

~~12.13.~~ Paragraph 13 is denied and the Plaintiff is put to strict proof in respect of each and every allegation contained therein.

~~13.14.~~ In the premises it is denied that the Plaintiff is entitled, as against the Second Defendant, to any relief, damages or interest as claimed, or at all.

~~14.15.~~ Save as is herein before admitted or not admitted, each and every allegation in the Statement of Claim is denied as if set out herein and traversed *seriatim*.



MOURANT OZANNES
Attorneys for the Second Defendant

25 June 2012
AMENDED this 14th day of May 2014