

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. *0316* OF 2012

BETWEEN REBA DILBERT, CARLOS JULIAN &
NICOLE P. HYDES (Administrators
of the Estate of Armando, Carlos Julia, Deceased)

PLAINTIFFS

AND Dr. ELIZABETH McLAUGHLIN

1st DEFENDANT

AND Dr. IHEONUNEKWU NELSON

2nd DEFENDANT

AND THE HEALTH SERVICES AUTHORITY

3rd DEFENDANT

WRIT OF SUMMONS

TO: Dr. Elizabeth McLaughlin Dr. Iheonunekwu Nelson The Health Services
Authority
c/o The George Town Hospital
Hospital Road
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 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 495GT, George Town, Grand Cayman, the accompanying Acknowledgement of Service, stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings the Plaintiff may proceed with the action and judgement may be entered against you forthwith without further notice.

Issued this *16th* day of *July* 2012

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 Acknowledgement of Service are given with the accompanying form.

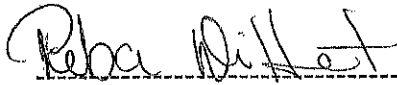
ENDORSEMENT

The Plaintiffs claim as the Administrators of the Estate of Armando Carlos Julian, Deceased, for damages under the Estates Proceedings Law 1974 for the benefit of the Deceased's estate arising out of the death of the Deceased on or about the 20th day of July 2009 by reason of breach of Statutory Duty and/or negligence on the part of the Defendants in that on or about the 14th day of July 2009 and the 18th to 20th days of July 2009 they negligently treated and managed the care of the Deceased at the George Town Hospital resulting in his death on the 20th day of July 2009.

AND THE PLAINTIFF CLAIMS:

1. Damages;
2. Interest as per the applicable rate pursuant to the Judicature Law;
3. Costs;
4. Such further and other relief as may be just and proper with respect to the claim.

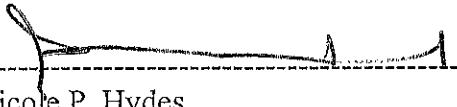
Dated this 16th day of July 2012



Reba Dilbert
Administratrix of the Estate of
Armando Carlos Julian, Deceased



Carlos Julian
Administrator of the Estate of
Armando Carlos Julian, Deceased



Nicole P. Hydes
Administratrix of the Estate of
Armando Carlos Julian, Deceased

THIS WRIT was issued by Reba Dilbert, Carlos Julian and Nicole P. Hydes Administrators of the Estate of Armando Carlos Julian, Deceased, whose address for service is P.O. Box 2846, Grand Cayman KY1-1112.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. *80316* OF 2012

BETWEEN REBA DILBERT, CARLOS JULIAN &
NICOLE P. HYDES (Administrators
of the Estate of Armando, Carlos Julia, Deceased)

PLAINTIFFS

AND Dr. ELIZABETH McLAUGHLIN

1st DEFENDANT

AND Dr. IHEONUNEKWU NELSON

2nd DEFENDANT

AND THE HEALTH SERVICES AUTHORITY

3rd DEFENDANT

**ACKNOWLEDGEMENT 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 judgement being
entered against a Defendant whereby he
May have to pay the costs of applying to
set it aside.

1. State the name of the Defendant by whom or on whose behalf the service of this Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick the 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 judgement entered by the Plaintiff (tick box).

yes

Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

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 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 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:

Reba Dilbert, Carlos Julian & Nicole P. Hydes
PO Box 2846
Grand Cayman KY1-1112

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

*BETWEEN REBA DILBERT, CARLOS JULIAN &
NICOLE P. HYDES (Administrators
of the Estate of Armando, Carlos Julia, Deceased)*

PLAINTIFFS

AND Dr. ELIZABETH McLAUGHLIN

1st DEFENDANT

AND Dr. IHEONUNEKWU NELSON

2nd DEFENDANT

AND THE HEALTH SERVICES AUTHORITY

3rd DEFENDANT

STATEMENT OF CLAIM

1. The Plaintiff is the mother and Administratrix of the Estate of Armando Carlos Julian, Deceased and brings this action on behalf of
2. The First Named Defendant is a Medical Practitioner and was at all material times employed by the Third Named Defendant and acted in her capacity as such in attending on and treating the said Armando Carlos Julian, Deceased, on or about the 14th day of July 2009.
3. The Second Named Defendant is a Specialist Internist Medical Practitioner and was at all material times employed by the Third Named Defendant and acted in his capacity as such in attending on and treating the said Armando Carlos Julian on or about the 18th to 20th days of July 2009.
4. The Third Named Defendant was the employer of the First and Second Named Defendant and the operators of the George Town Hospital at all relevant times.
5. On or about the 14th day of July 2009 the said Armando Carlos Julian, Deceased, attended at the Accident and Emergency Department of the George Town Hospital presenting with symptoms akin to the A H1NI influenza virus.
6. On or about the 14th day of July 2009 the said Armando Carlos Julian, Deceased, was attended to by the First Named Defendant who examined him and negligently failed to diagnose the said condition and wrongly prescribed medication designed to treat the common flu and not the A H1 NI influenza virus from which the said Armando Carlos Julian was suffering.
7. On or about the 18th day of July 2009 the said Armando Carlos Julian, Deceased, returned to the Accident and Emergency Department of the George Town Hospital with aggravated symptoms akin to the A H1 NI influenza virus.

8. Between the 18th and 20th days of July 2009 the said Armando Carlos Julian, Deceased, was treated by and under the care of the Second Named Defendant who negligently failed to provide the said Armando Carlos Julian, Deceased, with prompt, proper or adequate treatment to remedy his said condition.
9. The said Armando Carlos Julian, Deceased, died on or about the 20th day of July 2009 at the George Town Hospital and was subsequently diagnosed as dying from complications caused by the A H1 NI influenza virus.
10. The said death was caused by or materially contributed to by the negligence of the said First and Second Defendants.

Particulars of Negligence of the First Defendant

- (a) Failing to conduct a proper examination of Armando Carlos Julian, Deceased;
- (b) Failing to properly observe and analyse the signs and symptoms of the condition of the said Armando Carlos Julian, Deceased;
- (c) Wrongly concluding that the said Armando Carlos Julian, Deceased, was not suffering from the A H1 N1 influenza virus;
- (d) Failing to heed and follow the guidelines and recommendations of the World Health Organization and the Centre of Disease Control in diagnosing and treating persons suspected of suffering from or actually suffering from the a H1 N1 influenza virus;
- (e) Wrongly discharging the said Armando Carlos Julian, Deceased, from Hospital care and prescribing over the counter flu medication.

Particulars of Negligence of the Second Defendant

- i. Failing to heed and follow the guidelines and recommendations of the World Health Organization and the Centre of Disease Control in diagnosing and treating persons suspected of suffering from or actually suffering from the a H1 N1 influenza virus;
 - ii. Failing to promptly treat the said Armando Carlos Julian, Deceased, by not prescribing the recommended anti-viral medication for treating the A H1 NI influenza virus;
 - iii. Unreasonably awaiting the results of a HI N1 Nasopharyngeal swab diagnosis before treating the said Armando Carlos Julian, Deceased for the said disease;
 - iv. Failing to properly analyse the condition of the said Armando Carlos Julian, Deceased.
11. By reason the matters aforesaid the Estate of the said Armando Carlos Julian, Deceased has suffered loss and damage.

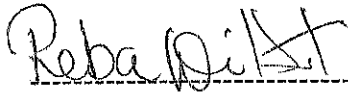
Particulars of Damages

- | | | |
|-----|-----------------------------|---------------|
| (a) | Loss of expectation of life | CIS\$2,000.00 |
| (b) | Funeral Expenses | CIS\$ |

AND THE PLAINTIFF CLAIMS

1. Damages under the Estates Proceedings Law for the benefit of the Estate of the Deceased.
2. Interest on Special Damages pursuant to the provisions of the Judicature Law
3. Costs
4. Such further and other Order as the Court deems appropriate

Dated the 16th day of July 2012



Reba Dilbert
Administratrix of the Estate of
Armando Carlos Julian, Deceased



Carlos Julian
Administrator of the Estate of
Armando Carlos Julian, Deceased



Nicole P. Hydes
Administratrix of the Estate of
Armando Carlos Julian, Deceased