

Writ of Summons (O.6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLAND
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

G0019
CAUSE NO. OF 2013

BETWEEN
AND:

HILMAE BODDEN
ATTORNEY GENERAL

PLAINTIFF
DEFENDANT



SPECIALLY ENDORSED WRIT OF SUMMONS



TO: DEFENDANT Attorney General c/o The Attorney General's Department, Grand Cayman, Cayman Island.

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 18 day of January 2013

NOTE - This Writ may not be served later than 4 calendar 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 resides at 81 Billy Manderson Drive, West Bay, Grand Cayman and was employed as a Policy Analyst in the Cabinet Office of the Cayman Islands Government at the time of the accident on 19 January 2010. Her contract of employment commenced on 19th of October 2007.
2. At all material times the Defendant in light of the Cayman Islands Government has a duty to provide a safe place and system of work for its employees who are employed at and provide services at the Government Administration Building.
3. On Monday, 18 January 2010, the Plaintiff arrived at her place of work at the Government Administration Building and took a lift to the floor on which her office is located in that building. On arriving at the second floor, she exited the lift and walked onto the second floor landing towards the Cabinet Office to go to her office. Without warning and quite unexpectedly, she was caused to skid on the slippery tiled floor surface. The Plaintiff observed the tiled floor and noted that the tiles were clean and that the floor appeared to have been polished. There was no notice warning that the floor was slippery or had been cleaned or otherwise and to exercise caution.
4. As a result of skidding on the tiled floor, at about 9:00 a.m. the same day, the Plaintiff went to the Clerk of Cabinet, Kim Bullings, and told her that she was caused to skid on the surface of the tiled floor and felt that the tiled floor outside of the elevator was dangerous as it was very slippery. The Plaintiff warned that someone might fall and be seriously hurt. The Plaintiff asked Kim Bullings who she understood was, amongst other things, the office manager to call the cleaners to clean the floor and Kim Bullings informed her that she would do so before she left the office that day.
5. At or about 9:32 a.m on Tuesday, 19 January 2010 a 5.8 magnitude earthquake occurred around the Cayman Islands. At that time the Plaintiff was working at her computer at her desk in the Government Administration Building, when she heard a co-worker, Michelle Connolly-Rivers, shout out, "Earthquake, run" as she, Ms Connolly Rivers, ran out of the office.
6. The Plaintiff finished what she was doing and then left her office and on pushing the door open and stepping outside of her office was caused to slip on the tiled floor and fell to the ground. The Plaintiff lost consciousness and on recovering found that she was lying on the tiled floor.
7. Shortly after the Plaintiff had fallen, the Plaintiff's co-worker Christina Rowlandson saw the Plaintiff on the floor and walked towards the Plaintiff to assist her. A short while later, Kim Bullings came up on the scene and also assisted the Plaintiff to get up off the floor and helped her down the stairwell. At

the same time, and as a result of the earthquake, other employees appeared to be evacuating the building.

8. Later that day and whilst the Plaintiff was at the hospital Kim Bullings attended the hospital to visit the Plaintiff and brought with her the Plaintiff's personal effects that were left in the office. At this time, Kim Bullings informed the Plaintiff that she had only just called the cleaners and instructed them to come back and look at the tiled floors. At a later date, Kim Bullings in an e-mail to the Plaintiff stated, inter alia, "...not everyone felt the floor was slippery only a few people,.."
9. The Plaintiff has suffered a personal injury as a result of the negligence and/or breach of statutory duty under the Labour Law of the Defendant, its servants or agents to provide a safe place of work for use by its employees.

PARTICULARS OF NEGLIGENCE

- a) Negligently and/or in breach of section 58 of the Labour Law, failing to ensure so far as reasonably practicable the health, safety and welfare at work of its employees.
 - b) Failure to ensure that the tiled floor that formed part of the workplace was safe for use to be walked on in all circumstances and thus properly maintained for use by its employees in accordance with section 60 of the Labour Law.
 - c) Negligently and/or in breach of the Labour Law failed to maintain that the floor was not slippery and in particular the second floor outside of the lift area so as to be safe for use by all employees by permitting it to be polished to such an extent that the floor became slippery and thus unsafe for use.
 - d) In the premises failure to take reasonable care for the Plaintiff's health, safety and welfare at work by not acting on the warning of the Plaintiff that the floor was dangerously slippery and arrange for the cleaners to return to remedy that specific issue created as a result of it being polished or cleaned in such a manner that rendered it unsafe to walk on by making it slippery.
10. By reason of the matters aforesaid, the Plaintiff has suffered personal injury, loss and damage as a result of the negligence and/or breach of statutory duty of the Defendant, its servants or agents to provide a safe place of work for the Plaintiff.

PARTICULARS OF INJURIES

11. The Plaintiff's date of birth is 30 September 1963. When the Plaintiff first fell she was rendered unconscious. On resuming consciousness, Christina Rowlandson drove the Plaintiff to George Town Hospital. At the Emergency Room Section at the George Town Hospital the Plaintiff was first assessed by Dr. Elizabeth McLaughlin who ordered x-rays to be taken. The Plaintiff was advised that she had a broken wrist in four places and would need surgery to repair the injuries.

12. On 21 January 2010, the Plaintiff travelled to Miami, Florida, where she received medical treatment carried out by Dr. Badia which required plating and pins to the right wrist and distal radius. The Plaintiff had a volar titanium plate with 10 (ten) pins inserted in her wrist and arm. The Plaintiff's required physiotherapy and use of a Dyna-Splint machine for a minimum of 8 (eight) hours a day, 7 (seven) days per week for 3 months commencing in March 2010. The Plaintiff will rely on the medical report of Dr. Herzig's dated 12 January 2012 for the full particulars of her injuries.
13. As a result of the Defendant's said negligence and/or breach of statutory duty the Plaintiff has suffered loss and damage.

SPECIAL DAMAGES

Total USD	CINICO Refund	HAB- USD	Monies Due HAB CI @0.84
Hotel - Trip #1	\$1,268.99	\$840.00	\$428.99
Hotel - Trip #2	\$845.00	\$600.00	\$245.00
Hotel - Trip #3	\$405.00	\$405.00	
Hotel Taxes - Trip #1	\$145.99	\$145.99	
Hotel Taxes - Trip #2	\$109.85	\$109.85	
Hotel Taxes - Trip #3	\$52.65	\$52.65	
Telephone - Trip #1	\$134.43		\$112.92
Telephone - Trip #2	\$32.13		\$26.99
Prescription - Trip #1	\$79.88	\$79.88	
Prescription - Trip #2	\$226.58	\$226.58	
Food - Trip #2	\$4.00		\$3.36
Food - Trip #3	\$4.28		\$3.60
Taxis	\$255.83		\$214.90
Annie Multon	\$4,285.72		\$3,600.00
Zachary Bodden	\$2,410.72		\$2,025.00
Myrine Walters	\$3,690.48		\$3,100.00
Treasha Bodden	\$892.86		\$750.00
Hew's Janitorial	\$4,157.14		\$3,492.00
Louise Barcoo (2011/2012)	\$4,952.38		\$4,160.00
Dr. Badia (Visit December 2012)	\$242.00		\$203.28
CI Health Services Authority	\$263.10		\$221.00
Medical report of Dr. Herzig			\$840.00
SUB TOTAL	\$25,506.63	\$2,459.95	\$20,307.04

*Total Paid to Hew's (2010) CI\$3,492.00
 *2011/2012 Expenses for Helper CI\$4,160.00 (52xCIS\$10.00 p/hr).
 *HAB – Hilmae Bodden

AND the Plaintiff claims

- (i) Damages
- (ii) Further, pursuant to The Judicature Law (1995 Revision), the Defendant is entitled to and claims interest on such sums as are found to be due at such rate and for such period as the Court shall think fit.
- (iii) Costs


CHAMBERS

Clyde H. Allen

THIS WRIT was issued by Clyde H. Allen whose address for service is CHAMBERS, Attorney-At-Law, PO Box 31076, Grand Cayman, Cayman Islands.

IN THE GRAND COURT OF THE CAYMAN ISLAND
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. OF 2013

BETWEEN HILMAE BODDEN PLAINTIFF
AND: ATTORNEY GENERAL 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 a 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

Address for service: (please see overleaf)

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.

Clyde. H. Allen
CHAMBERS
Attorney-At-Law
PO Box 31076SMB
Grand Cayman
Cayman Islands

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