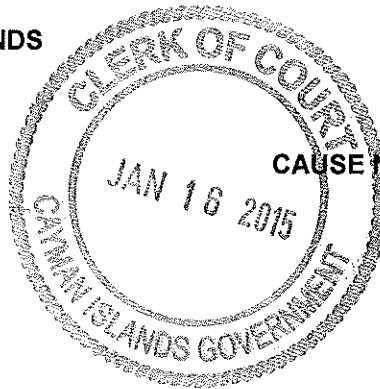


IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN



SHARON HURLSTON

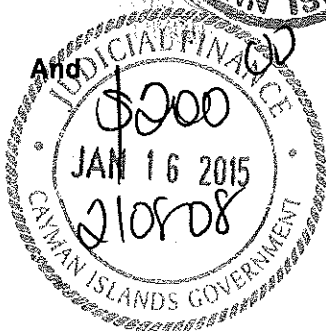


CAUSE NO: G of 2015

PLAINTIFF

0009

And



GINA PATINO

DEFENDANT

WRIT OF SUMMONS

TO:
GINA PATINO
c/o Cayman Kai Development
1993 Rum Point Rd, North Side
PO Box 1074 Grand Cayman
KY1-1102

AND TO: **GUARDIAN GENERAL INSURANCE**
LIMITED (trading as NEMWIL)
c/o BIS Balderamos Insurance Services Ltd.
Creighton Building – Suite 103
PO Box 30619, Grand Cayman KY-1203

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 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 fail to return the *Acknowledgment of Service* form within the time stated, or if you return the *Acknowledgment of Service* without stating therein an intention to contest the proceedings, the Plaintiff may proceed with action and Judgment may be entered against you forthwith without further notice.

Issued this 16th Day of January 2015

NOTE – This Writ may not be served later than 4 calendar months (or if leave is required to effect service outside of the jurisdiction, 6 months) beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

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

This Writ of Summons was filed by H. Phillip Ebanks, Attorney at Law, for the Plaintiff, whose address for service is 62 Hospital Road Plaza, PO Box 30433, Grand Cayman KY1-1202

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN

CAUSE NO: G of 2015

SHARON HURLSTON

PLAINTIFF

And

GINA PATINO

DEFENDANT

STATEMENT OF CLAIM

1. At time material times:
 - 1.1 The Plaintiff was the driver of a Nissan motor vehicle registration number 122906 ("Plaintiff's Vehicle").
 - 1.2 The Defendant was the driver of Chevrolet Suburban registration number 104232 ("Defendant's Vehicle")
2. On the 18 January 2012 the Plaintiff was lawfully driving her motor vehicle west on Shamrock Road to Crewe Road and while rounding the roundabout near Auto Spa the Defendant's Vehicle (travelling in the same direction) drove from the right hand side lane to the left hand side lane and collided into the right hand side of the Plaintiff's Vehicle. The collision pushed the Plaintiff's Vehicle off the roadway and onto the roadside curbing where it came to rest.
3. As a result of the collision the Plaintiff sustained injury, loss, damage and considerable inconvenience.
4. The accident was caused by the Defendant's negligence.

PARTICULARS OF NEGLIGENCE

5. The Defendant was negligent in that she:

- 5.1 Crossed onto the wrong lane of the road without exercising due care;
 - 5.2 drove too fast while driving in a roundabout;
 - 5.3 lost control of her vehicle;
 - 5.4 failed to slow down to the speed suitable for driving around a roundabout;
 - 5.5 collided with the Plaintiff's vehicle;
 - 5.6 Failed to stop, slow down, swerve, or steer or in any other way control her vehicle so as to avoid the said collision.
 - 5.7 Drove into the side of the Plaintiff's vehicle when to do so was a breach of the Highway Code and the basic standards of driving;
 - 5.8 Drove in such a way as to place road users in danger, in particular the Plaintiff;
 - 5.9 Drove without any, or any proper, consideration for the rules of the road, in particular by failing to leave enough room between his and the Plaintiff's vehicle, inter alia, contrary to the provisions of the Highway Code;
 - 5.10 In the premises, drove without due care and attention and due consideration for other road users, in particular the Plaintiff.
6. At the scene of the accident the Defendant admitted liability.
 7. By open letter of 5 August 2013, the insurer accepted liability for the accident and has paid KYD 2,125 to repair Plaintiff's motor car; and has advised it has paid KYD3,884.91 to Plaintiff's medical bills.
 8. By reason of the aforesaid accident the Plaintiff sustained injuries and suffered distress, discomfort, inconvenience, loss and damage.

PARTICULARS OF INJURY

9. The Plaintiff was born on the 28 August 1960, sustained injury to her back (and as described in the medical notes of Dr Lee) which necessitated medical treatment and physiotherapy. She was absent from work for several weeks and continues to complain of back pain intermittently and will require further medical review and analysis to confirm the full extent of injuries.
10. Details of the Plaintiff's injuries, treatment and prognosis are given in the following medical reports, copies of which are attached:
 - 10.1 Mr Delroy A. Fray, MBBS (UWI), FRCS (Glasg.) FACS, JP, dated 30 January 2014.
 - 10.2 Dr. John Lee, notes 24 April 2012 through 1 October 2013.

11. The Plaintiff has been employed as a sales clerk in a retail warehouse. This requires regular periods of standing as well as bending and lifting or store merchandise and driving to deliver merchandise to customers. After the accident the plaintiff missed work for a period and has missed work intermittently since then during periods of flare ups of back pain. During periods of pain, the Plaintiff's discomfort is aggravated by bending, lifting, standing and driving and she would be handicapped in this type of work in the labour market.

PARTICULARS OF SPECIAL DAMAGE

12. The Plaintiff's particulars of Special Damage are the amounts at paragraph 7 hereof and:

12.1	medical treatment costs	KYD	708.31
12.2	Estimated Loss of wages	KYD	2,000
	Balance	KYD	2,708.31

STATEMENT REGARDING INTEREST

13. The Plaintiff also claims interest on the said sum owing at the rate of 2 3/8% per annum.

13.1 The Plaintiff seeks pre and post judgment interest from the date of issue of this Writ of Summons in accordance with the provisions of the Judicature Law (2007 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.

13.2 The interest rate claimed as per the Judgment Debt (Rates of Interest) Rules at 2 3/8% per annum.

13.3 Interest is claimed from the date of this Writ.

13.4 Interest accrues at KYD0.18 per day from the date of issue of Writ.

AND THE PLAINTIFF CLAIMS:

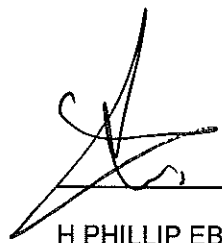
(i) Damages.

- (ii) Pre and post judgment Interest on the sum claimed in accordance with the Judicature Law (2007 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.
- (iii) Costs, plus filing fees and bailiffs fee for service

Dated this 16th day of January 2015



SHARON HURLSTON, Plaintiff



H PHILLIP EBANKS,
Attorney at Law for the Plaintiff

Delroy A. Fray, MBBS (UWI), FRCS (Glasg.) FACS, JP
P.O. Box 900, Montego Bay
Tel: 997-5486; email: dafray@cwjamaica.com

January 30, 2014

TO WHOM IT MAY CONCERN

Re: **Name:** Sharon Jackson - *Sharon Jackson* *ATZ*
Address: Salt Spring, Green Island, Hanover
D.O.B: August 28, 1960

Complaint: Low back pain.

History: This patient was first seen on January 27, 2014 for assessment of final disability. She reported excellent health up until December 14, 2012 when she was involved in a motor vehicle accident and sustained blunt trauma to her low back. She was the driver of the vehicle with seat belt in place. Initial treatment was given by a general practitioner. She was treated and eventually referred to a pain specialist for further management. In spite of this the pain persisted on and off. Pain is aggravated by bending, lifting and long standing. She denies leg pain.

Past Medical History: Nil of significance.

Social History: Works as a Sales Clerk.

Drug History: None

Allergies: No known

Review of System: Uneventful

Examination: This was confined to her musculo-skeletal system. She had a normal gait. Spinal mobility was mildly restricted in her lumbar sacral spine. Normal muscle bulk was noted. Straight leg raised 80° right, 80° left. Power, tone, sensation and reflexes in both her upper and lower limbs were normal. Saddle sensation was normal.

Investigation: CT Scan of the thoracolumbar spine revealed L3/4, L4/5 mild disc prolapse with no evidence of nerve root compression.

Assessment: This patient was assessed as having a lumbar strain secondary to the motor vehicle accident.

Treatment: She was advised to continue McKenzie's exercise.

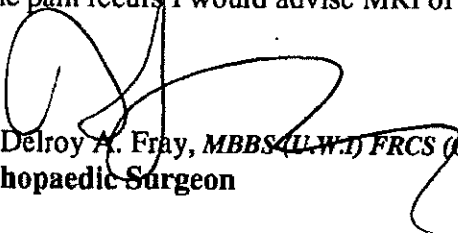
2

January 30, 2014

TO WHOM IT MAY CONCERN

Re: **Name:** Sharon Jackson
Address: Salt Spring, Green Island, Hanover
D.O.B: August 28, 1960

Prognosis: It is safe to assume that this patient has reached maximum medical rehabilitation. Using guides to the evaluation of permanent disability, 6th edition, this patient has no measurable disability. Her period of pain and suffering did not exceed two years from the time of the injury. If the pain recurs I would advise MRI of the lumbar spine for further evaluation.



Dr. Delroy A. Fray, *MBBS (L.W.I) FRCS (Glasg.) FACS*
Orthopaedic Surgeon

Hospital notes for Sharon HURLSTONE d.o.b. 28/8/60

Performed by: LEE , JOHN MICHAEL on 24 April 2012 15:03
Verified by: LEE , JOHN MICHAEL on 24 April 2012 15:03
Encounter info: 0002484024, GC, Outpatient, 24/Apr/2012 - 24/Apr/2012

Clinical note - Sharon HURLSTONE

Presenting problem

She was involved in an RTA in January 2012 when her vehicle was lifted and she found herself on the sidewalk in her seat belt. She has had low back pain since then which is worse in the morning when it takes her 30 minutes to get going. This has been gradually easing and now she is more troubled with thoracic spinal pain, worse with laughing or coughing. Physiotherapy has greatly improved her symptoms. No back trouble before her accident.

She works as a sales clerk and often has to do deliveries. Her pain can often be worse at the end of the day. She occasionally has numbness in her shoulders; bowel and bladder fine. Pain is the same on the weekend. Her insurance claim is outstanding and she has been asked to provide further medical evidence.

Verified by: BOGLE-TAYLOR , ELAINE JOY on 24 February 2012 11:49
Encounter info: 0002468883, GC, Outpatient, 23/Feb/2012 - 23/Feb/2012

CT LUMBOSACRAL SPINE

Unenhanced spiral scans were obtained from T12/L1 to L5/S1 and multiplanar reconstructions examined.

There is a mild broad disc bulge at L4/5 with no stenosis. A small posterior herniation at L5/S1 is more prominent to the left but shows no encroachment. The facet joints appear normal. Osteophytes are present on the bodies of L3, 4 and 5. Paraspinal soft tissues appear normal.

Verified by: BOGLE-TAYLOR , ELAINE JOY on 24 February 2012 11:49
Encounter info: 0002468883, GC, Outpatient, 23/Feb/2012 - 23/Feb/2012

CT THORACIC SPINE

Unenhanced spiral scans were obtained from C7 to L1 and multiplanar reconstructions examined. There is no evidence of spinal stenosis. However there is a large internal disc herniation into the upper body of T9.

The facet joints appear normal. Prominent marginal osteophytes are present throughout. Paraspinal soft tissues appear normal.

Past history

HT

No chest pain, palpitations, SOB

Medications

orphanedrine

ibuprofen when her pain is bad, and this helps

Allergies

none known

Examination



Hospital notes for Sharon HURLSTONE d.o.b. 28/8/60

Fair ROM lumbar and cervical spine. Tender around right shoulder (rhomboids, scapula, trapezius) with 80% ROM, but very resistant to direct testing. No overt abnormality of reflexes in UL/LL. Power appears full, although effort poor.

Diagnosis

Mechanical thoracic pain in addition to right should mechanical pain

Plan:

Image right shoulder (US)

Continue analgesia (paracetamol and iburpofen)

Continue physiotherapy, focussing more now on shoulder pathology

Encouraged to exercise and move ++

Verified by: LEE , JOHN MICHAEL on 14 May 2012 16:01
Encounter info: 0002541683, GC, Outpatient, 14/May/2012 - 14/May/2012

She had her shoulder ultrasound reported as follows:

Performed by: Ogilvie, Monica on 03 May 2012 12:05
Encounter info: 0002541444, GC, Outpatient, 03/May/2012 - 03/May/2012
* Preliminary Report *

US RIGHT SHOULDER

The biceps, subscapularis, supraspinatus and infraspinatus tendons show no evidence of a tear.

A small amount of fluid is noted in the bicepd tendon sheath.

A small fluid collection is noted in the subacromial-subdeltoid bursa.

The AC joint and posterior labrum appear normal.

She continues to suffer with spinal pain particularly in the morning. She often takes some time to get going. She recentyl tried naproxen provided by a friend and this has given her a good deal of help. I have repeated this 250mg three times a day as well as amitriptyline 10mg. I also talked about pain mechanisms and how exercise is teh mainstay of treatment.

The remiander of the sonsultation revolved around her claim for compenmsation and how she was going to obtain a medical report - I advised her I did not provide these.

Verified by: LEE , JOHN MICHAEL on 19 September 2012 10:55
Encounter info: 0002552804, GC, Outpatient, 28/Jun/2012 - 28/Jun/2012

She was feeling very well until last week until last week when her right shoulder and low back pain recurred. She was walking for exercise and stretching but stopped last week. She does think that both the amitriptyline 10mg at night and naproxen 25mg bd eases her pain but she ran out of these (script given). She is also not exercising as much as she did. I explained that flareups can be unpredictable and she may need ten days of medication to help them settle. To try a booster of physiotherapy too

Hospital notes for Sharon HURLSTONE d.o.b. 28/8/60

Verified by: LEE , JOHN MICHAEL on 21 November 2012 15:16
Encounter info: 0002682993, GC, Outpatient, 21/Nov/2012 - 21/Nov/2012

Document Contains Addenda

Back pain, principally. She has run out of amitriptyline 10mg and naproxen 25mg. Her right shoulder pain is not too bad. She has now finished physiotherapy which has been helpful for her. They have taught her exercises to do at home. She is walking regularly and exercising three times a week. She is trying to increase her walking distance.

No changes, but encouraged. ? discharge next time.

Addendum by LEE , JOHN on 11 June 2013 15:20 (Verified)
naproxen 25mg bd and amitriptyline 10mg at night repeated. She has OPA to see me. JL

Verified by: LEE , JOHN on 01 October 2013 15:03
Encounter info: 0003067069, GC, Outpatient, 01/Oct/2013 -

She continues to have intermittent low back pain which comes intermittently. She is working part time as a sales clerk. I have repeated today her script for naproxen 250mg bd (45 tabs) and amitriptyline 10mg at night. Copy of notes given to her.



Dr M John Lee, BSc, MSc, MB BS, FRCP, FRCA, FFPMRCA
Pain Specialist

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

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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

BETWEEN

CAUSE NO: G of 2015

SHARON HURLSTON

PLAINTIFF

And

GINA PATINO

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.

H. PHILLIP EBANKS, Attorney at Law
62 Hospital Road Plaza (Unit H)
Hospital Road, George Town
PO Box 30422, Grand Cayman KY1-1202
Email: pebanks@premiergroup.ky
Office Phone: 1345 323

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

