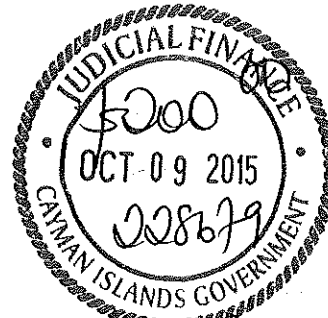


IN THE GRAND COURT AT GEORGE TOWN GRAND CAYMAN



CAUSE NO GC 0178 OF 20

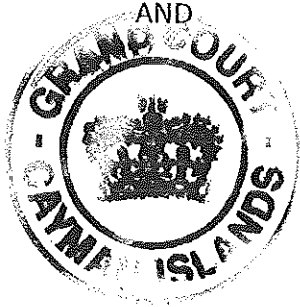
BETWEEN MAIZIE MURRAY (Jaineke Martinez)

PLAINTIFF

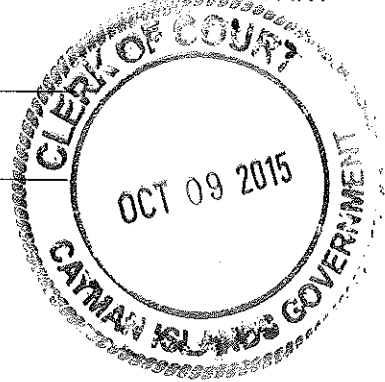
AND

DR. LINDEN SWAN
NURSE REBECCA RANKIN
HEALTH SERVICE AUTHORITY (HSA)

FIRST DEFENDANT
SECOND DEFENDANT
THIRD DEFENDANT



WRIT OF SUMMONS



TO: HEALTH SERVICES AUTHORITY
95 HOSPITAL ROAD GEORGE TOWN
CAYMAN ISLANDS
% THEIR ATTORNEY AT LAW (Alexander Coe) Mourant Azannes

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 495, George Town, KY1-1106 Cayman Islands, the accompanying Acknowledgement of Service form stating therein whether you intend to contest this proceedings.

If you fail to satisfy the claim or to return the Acknowledgement 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 without further notice.

ISSUED this 09 day of *October* 2015.

See over leaf for particulars of the plaintiff claims.

STATEMENT OF CLAIM

1. The Plaintiff said her daughter is Janieke Martinez and she is acting on her behalf.
2. The Plaintiff said she took her daughter to Health Services Authority (HSA) for abdominal pains, they thought it was due to medication prescribed in Jamaica 2004.
3. The Plaintiff said the pain continues and each time they would go to HSA and each time they would tell them the exams were normal.
4. The Plaintiff said they were referred to Paediatric Dr. Linden Swan who also said there was no hernia and the plaintiff said after a while they became best friend to where she was his personal assistant for him and his family when they travel, she is employed with Cayman Airways.
5. The Plaintiff said she took her daughter to Chrissy Tomlinson Memorial Hospital (GTMH) where Dr. Bromley diagnosed umbilical hernia 2006.
6. The Plaintiff said they went back to HSA Dr. Swan for treatment where it would be less expensive but, again he told them there is no hernia and she was treated for other symptoms.
7. The Plaintiff said Dr. Swan suspect sexual abuse (unknown to her at the time) and without any report of his suspicion of abuse, he conducted his own investigation, subject her daughter to independent interview, subject her to an internal vaginal examination he said they were looking for cyst (This was conducted by a female doctor under the instruction of Dr. Swan) her name unknown at the time and the following day Dr. Swan call her to inform her that they suspect sexual abuse and she was the suspect- end of May 2011.
8. The Plaintiff said she went to HSA Dr. Christian who repeated the ultra sound and interpret mesenteric adenitis as hernia and send her back to Dr. Swan with the result and said they miss the hernia and she did, and Dr. Swan was in shock- June 2011.
9. The Plaintiff said they went back to Dr. Bromley at CTMH and he repaired the hernia October 2011.
10. The plaintiff said the hernia was misdiagnosed, her daughter received incorrect treatment, and even after the hernia was diagnosed she was never treated, and this cause delay in her treatment and as a result her daughter suffered from 2004-2011.
11. The Plaintiff said Dr. Linden and HSA owed a duty of care to her daughter that was never

met and as a result her daughter suffered and this is Negligence.

12. The Plaintiff said Dr. Swan and HSA is guilty of failure to diagnose the hernia, failure to treat, give incorrect treatment, and cause delay in diagnose and treatment.

1a. the plaintiff said she needed an appointment to see Dr. Hislop and was sent to Dr. Swan and she email him and refused and he emailed her and said he notice an entry of his in her record March 25, 2010 and at that time some question were asked and she went to ICO appeal for them to see if it was only questions asked and they discovered that a pelvic exam was also conducted on March 25, 2010 and she was advise to report the matter to HSA CEO. Mrs. Lizette Yearwood.

1b. The Plaintiff said as a result of their negligence her daughter also suffered from a pelvic exam and trauma from an internal exam and a cotton swab was used to insert her vagina to her hymen (medical name not explain by Dr. Swan) and she became suicidal and had to receive treatment from the Children's Mental Health doctor and she is presently in counselling.

1c. The Plaintiff said this is Bad Faith as she was never informed of the suspicion of abuse until after the internal exam, and she was never inform of the pelvic exam, and no report was made to any authorities about his suspicion of abuse, and her daughter's suspicion was kept for 7 years before someone else made a report to the Department of Children and Family Services (DCFS) and her daughter was interviewed without representation and there intension was to satisfy their investigation then make their report and the pelvic exam her daughter said was conducted by Dr. Swan's nurse Rebecca Rankin and the internal exam was conducted by a female gynaecologist (name unknown at the time)

1d. The Plaintiff said the Court of the Cayman Island appoint Mr. James Kennedy of Samson & McGrath to provide an opinion and he pass us to Mrs. Kim Grandgage of the said firm and she requested Protocol to examine a minor, Consent form to examine a minor, and up to the date of the opinion none was provided by Dr. Linden Swan.

1e. The Plaintiff said HSA printed and release a FOI report with the identity of her daughter and her medical history and personal issues and this is exempt from FOI, and this FOI report confirm that her daughter was misdiagnosed, received incorrect treatment, and was delayed in diagnose and treatment and this said FOI report is an invasion of their privacy and improper disclosure of a patient's medical record.

1f. The Plaintiff said HSA printed and release the identity as Dr. Linden Swan and confirm that sexual abuse was suspect since 2007 but he made no report and this is a violation of the

Children's Law and this is also child abuse, child neglect and child abandonment.

AND THE PLAINTIFF CLAIM:

- 1. Consultation fee CI. \$2,433.88
- 2. Retainer fee CI \$ TBA
- 3. Special Damages CI \$ 10,099.92
- 4. General Damages CI \$-----

Pain and suffering for misdiagnose, incorrect treatment, delay in diagnose and treatment of hernia. 2004-2011.

Pain and suffering from a pelvic exam.

Pain, suffering, mental and emotional distress and trauma from an internal exam of her hymen.

Improper disclosure of her daughter's medical record as FOI.

Missing medical record for aftercare.

Educational damages.

Mental and emotional damage for her mother.

Reputational Damages.

Others.

Ms. Marge Murray 09 Oct 15
Signed by the Plaintiff for (Janieke Martinez) daughter.

Filed by the Plaintiff whose address of service is 61 Thistle Lane, West Bay.

STATEMENT OF CLAIM AMMENDED

The Plaintiff said this claim is Medical Negligence and she is acting as her daughter's next friend.

The Plaintiff said the pelvic exam her daughter said was conducted with Dr. Linden Swan and his Nurse Rebecca Rankin, and the internal exam was conducted by a female doctor (name unknown at the time, she is a gynaecologist) under the instruction of Dr. Linden Swan, and she and nurse Rebecca Rankin was sitting on the other side in the room, Dr. Linden Swan said they were checking for cyst.

Ms. Maggie Murray 09 Oct 15

Signed by the Plaintiff for Janieke Martinez.

Filed by the Plaintiff whose address is 61 Thistle Lane, West Bay.

IN THE GRAND COURT AT GEORGE TOWN GRAND CAYMAN

CAUSE NO. BC OF 2015

BETWEEN: MAIZIE MURRAY (Janieke Martinez)

PLAINTIFF

AND DR.LINDEN SWAN
NURSE REBECCA RANKIN
HEALTH SERVICE AUTHORITY (HSA)

FIRST DEFENDANT
SECOND DEFENDANT
THIRD DEFENDANT

ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

TO: HEALTH SERVICE AUTHORITY
95 HOSPITAL ROAD GEORGE TOWN
CAYMAN ISLANDS
% THEIR ATTORNEY AT LAW (Alexander Coe) Mourant Azannes.

State whether the Defendants intend to contest the proceedings.

YES

NO

If the Defendants intend to contest the proceedings in whole or in part, you must set out particulars of your defence overleaf.

First Defendant

Second Defendant

Third defendant

Service of this Writ is acknowledged accordingly

Signed _____
Defendants/ Attorney for the Defendants.

Please complete overleaf.

PARTICULARS OF DEFENCE

(Here set out in numbered paragraph the grounds upon which the Defendants say they are not liable or they are liable for the full amount claimed).

First Defendant

Second Defendant

Third Defendant

filed by: The Plaintiff herein whose address for service is 61 Thistle Lane, West Bay, Grand Cayman
Tel: 345 917 1372

Note: This Writ may not be serve no later than 4 calendar month of if leave is required to effect service out of the jurisdiction, 6 months beginning with the date of time renewed by an order of the Court.

Important: Direction for Acknowledgement of Service is given with the Acknowledgment Form.

DIRECTION FOR ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS

The accompanying form of Acknowledgment of Service should be completed by an Attorney, acting on behalf of the Defendants or by the Defendants (if acting in person).

After completion it must be delivered or sent by post to the Law Court, P.O. Box 945 George Town, Cayman islands.

Defendants who state in their Acknowledgment of Service, that they intend 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 endorsed on the Writ (i.e. the word "Statement of Claim" appears on the top of page 2) the Defendant must serve within 28 days after the time of Acknowledgment of Service of the Writ, unless in the mean time a summons for judgment is serve on the Defendants.

If the Statement of Claim is not endorsed on the Writ, the Defence need not be served until 28 days after a Statement of Claim has been served on the Defendants.

If the Defendants fail to serve his defence within the appropriate time, the plaintiff may enter judgment against them without further notice.

The Plaintiff address of service is 61 Thistle Lane, West Bay, Cayman Islands. Tel: 1345 917 1372.