

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
GEORGE TOWN**

CIVIL DIVISION

**CAUSE NO. 217 of 2016
Legal Aid No. 227 of 2015**

**BETWEEN MARCIA MARIE ELLIS PLAINTIFF
AND THE SECURITY CENTRE LTD. DEFENDANT**

WRIT OF SUMMONS



To: The Security Centre Ltd.
One, Technology Place
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 the 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, 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 to return the Acknowledgment 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 Judgment may be entered against you forthwith without further notice.

Issued this 22nd day of November, 2016

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 Acknowledgement of Service are given with the accompanying form.

STATEMENT OF CLAIM

- 1 The Plaintiff is a resident of the Cayman Islands and at the material time she was a Police Officer carrying out her duties at the Immigration Detention Centre located in George Town Grand Cayman.
- 2 The Defendant is a security company registered in the Cayman Islands and at the material time , it had seconded at least one of its K9 Security Officers and his dog, to assist the police with the carrying out of their duties at the Immigration Detention Centre .
- 3 At all material times the Plaintiff was acting in her capacity as a Police Constable attached to the Royal Cayman Islands Police and the Defendant was assisting the police in their duties by seconding at least one of its K9 Security Officers and a dog to assist with containing Cuban refugees at the Immigration Detention Centre, and preventing them from escaping.
- 4 On 14th May, 2014 at or about 8:30am the Plaintiff reported to the Immigration Detention Centre to assist with containing and preventing from escaping approximately 43 Cuban Refugees who were detained at the Centre.
- 5 Upon arrival at the Detention Centre the Plaintiff was instructed by Security Officer Tania Hernandez, an employee of the Defendant, to patrol the compound at the Immigration Detention Centre.
- 6 At approximately 11:40am on that morning the Plaintiff noticed that a group of the Cubans were advancing towards the gate, speaking loudly in Spanish, where she was standing with 3 Prison Officers from Northward Prison and 2 male security officers employed by the Defendant.
- 7 The Plaintiff called the Emergency Service and indicated that the Cubans were preparing to climb the fence.
- 8 She then saw the Cubans moving one of the benches on the property, which was located under a coconut tree, towards the gate. As a result the Plaintiff again contacted the Emergency Service via the police radio and informed that " the situation was escalating" and that they required more support at the Immigration Detention Centre.
- 9 In the meantime she and the 3 prison officers removed the bench from by the gate to prevent the Cubans from escaping that way.
- 10 As a result of the Plaintiff's call, 2 police officers arrived to assist with the situation: PC Watts and PC Bulgin.
- 11 The Plaintiff then saw that some of the Cubans had ran across to the south side of the fence, and had started to climb the fence , so she quickly instructed the 2 police officers, who were still outside of the gate in their vehicle, to go over to that area to prevent the Cubans from escaping. The Officers therefore drove their vehicles to that location.

- 12 At the time the Plaintiff also saw the Defendant's K9 employee with his dog and 2 prison officers go to the south side of the fence on the outside to prevent the Cubans from climbing over the fence.
- 13 The Plaintiff, who was by now located by the fence/gate with the remaining prison officers and 2 employees of the Defendant saw that the Cubans were climbing up on the fence to the north side and that 2 had already jumped over the fence and started to run in the direction of the bushes.
- 14 The Plaintiff and the 2 prison officers with her, tried to stop the 2 Cubans from running into the bush but was unable to do so.
- 15 Upon looking back the Plaintiff saw several of the Cubans forcing the chain link gate towards the ground, she therefore tried to return to the main gate area where the police also returned to blocking the damaged gate which was being used as an escape route, with their police vehicles.
- 16 The Plaintiff ended up on the outside of the premises, facing the main gate (and the Cubans) with her hands to her side.
- 17 After about 10 minutes she felt something grab on to her lower left arm from behind. She felt an excruciating pain and an awful burning sensation on her lower left arm and when she turned and looked at her arm, she saw that she had 3 puncture wounds to her arm, and the Defendant's K9 Officer and his dog were going past her as if nothing had happened.
- 18 She then shouted to the Defendant's K9 Officer " the dog just bit me" and ran into the Detention Centre looking for a first aid kit.
- 19 Whilst inside the Detention Centre she was assisted by Officer Powell, a female Security Officer, and PC Watt requested an ambulance, which arrived about 40 minutes later.
- 20 She was taken to the George Town Hospital and treated by Dr. Vinton Douglas and later released having been prescribed with antibiotics.
- 21 The Plaintiff's injuries were caused by the negligence of the Defendant's employee/agent or servant, the K9 Officer .

PARTICULARS OF NEGLIGENCE

The Defendant's employee/agent or servant was negligent in that he

- (a) did not restrain or properly restrain the dog so as to prevent it from biting the Plaintiff;
- (b) failed to keep the dog in a proper manner so as to avoid it biting the Plaintiff;

(c) in the circumstances, failed to control the dog so as to avoid it biting the Plaintiff

22 By reason of the matters aforesaid the Plaintiff, who was born on 9th March, 1967, suffered injury, loss and damage.

PARTICULARS OF INJURY

Pain and shock
Puncture (teeth) marks to her lower left arm which required medical attention;
mild swelling and hyperaemia to the left forearm;

23 On 18th May, 2014 – 4 days after the incident the Plaintiff had to seek additional medical attention due to swelling of her forearm and a small discharge from the wound, at which time she had a complete blood count, comprehensive metabolic screen, clean and dressing of the wound, together with intravenous antibiotics (Rocephin) and pain relief (Diclofenac); she was also provided with a sick note to enable her to stay off work for 3 days.

24 The Plaintiff has now made full recovery from her injuries.

25 As a result of the said breaches the Plaintiff has suffered loss

WHEREFORE THE PLAINTIFF CLAIMS:

- (a) Damages
- (b) Interest pursuant to the Judicature Law
- (c) Legal fees and costs.

Dated this 22nd day of November, 2016


Brooks & Brooks
Attorneys for the Plaintiff

This Writ of Summons and Statement of Claim was issued by Brooks & Brooks for the Plaintiff whose address for service is Two Artillery Court, Shedden Road, George Town, Grand Cayman.

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.

*Brooks & Brooks
Attorneys At Law
P O Box 1355
Two, Artillery Court
Shedden Road
George Town, Grand Cayman KY 1 -1108*

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