

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO. *Goody* OF 2017

BETWEEN:

RUBY HOPE HEDGE
(As Personal Representative of the Estate of Cecil George Hedge, Deceased) **PLAINTIFF**

AND:

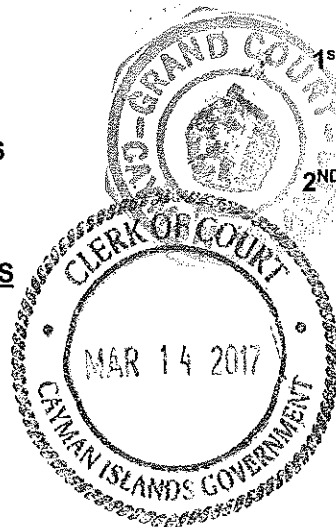
CI PRECAST LTD **1ST DEFENDANT**

AND

GILLES LANGLOIS **2ND DEFENDANT**



WRIT OF SUMMONS



TO: CI Precast Ltd
PO Box 10587
44 Sherwood Drive
Industrial Park
George Town KY1-1005
Grand Cayman
Cayman Islands

& PO Box 30058 SMB

AND TO: Gilles Langlois
PO Box 10587
44 Sherwood Drive
Industrial Park
George Town KY1-1005
Grand Cayman
Cayman Islands

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of Clifford District, Guy's Hill PO, St. Catherine, Jamaica 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 day of March 2017.

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.

This Writ and Statement of Claim is issued by McGrath Tonner, Attorneys at Law whose address for service is 5th Floor, Genesis Building, George Town, Grand Cayman. P.O. Box 446 GT, KY1-1106.

IMPORTANT

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

STATEMENT OF CLAIM

1. The Plaintiff is the wife of Cecil George Hedge, deceased ("the Deceased") and is the personal representative of his estate, having been granted letters of administration by the Probate Registry of the Grand Court on 22nd August 2016. She brings this action on behalf of the estate of the Deceased and on behalf of herself as a Dependent of the Deceased pursuant to the Torts (Reform) Law (1996 Revision).
2. At all material times, the Deceased was employed by the 1st Defendant as a supervisor of construction work.
3. In the course of his employment the Deceased was instructed by the 1st Defendant to work at a construction site in Natures Circle, Beach Bay, Bodden Town, Grand Cayman.
4. On the said construction site there was a concrete beam which was positioned on two concrete pillars. The concrete beam was not welded to the concrete pillars.
5. On 15th March 2016 the Deceased was working beneath the said concrete beam when the 2nd Defendant, an employee of the 1st Defendant, operated a crane, a part of which collided with one of the columns supporting the concrete beam. As a result the concrete beam fell onto the Deceased causing fatal injury.
6. The Deceased's accident was caused by the negligence of the Defendants, their servant or agents.

Negligence of 1st Defendant

7. The 1st Defendant as employer owed the Deceased a duty to take reasonable care to avoid him being injured at work.

Particulars of Negligence of 1st Defendant

They were negligent in that they;

- 7.1 failed to take any or any adequate precautions for the safety of the Deceased;
- 7.2 exposed the Deceased to a risk of injury of which they knew or ought to have known;
- 7.3 failed to undertake a suitable and sufficient assessment of the risks of such work and /or failed to give effect to such arrangements as would have been appropriate to prevent the injury or otherwise protect the Deceased;
- 7.4 allowed the crane to be operated in a manner which was unsafe;
- 7.5 failed to provide the Deceased with a safe place or safe system of work, safe plant or equipment and exposed him to an unnecessary risk of injury.

Negligence of 2nd Defendant

8. The 2nd Defendant owed the Deceased a duty of care to take reasonable care in operating the crane to avoid injury to the Deceased.

Particulars of Negligence of 2nd Defendant

The 2nd Defendant was negligent in that he:

- 7.1 failed to take reasonable care in operating the crane so as to ensure that the Deceased would be reasonably safe;
 - 7.2 failed to keep any or proper lookout;
 - 7.3 failed to adequately control the crane;
 - 7.4 res ipsa loquitur.
8. By reason of the negligence of the Defendants or either of them as pleaded above, the Deceased who was born on 20th March 1952 and was aged 64 suffered fatal injury and his estate and his dependents have suffered loss and damage.
9. The deceased suffered from crush injuries to his head and was certified dead at the scene of the construction site on 15th March 2016. He was then taken to George Town Hospital by ambulance.

Particulars of Dependency

10. The claim under the Torts (Reform) Law (1996 Revision) is brought by the Plaintiff on her own behalf as a dependent, being the wife of the deceased, and who was born on 19th July 1958 and was aged 61 at the date of the Deceased's death.

Pecuniary Dependency

11. The Plaintiff claims loss of pecuniary dependency.
12. At the time of the accident the Deceased, a holder of Caymanian status, was employed as a Supervisor. He had been married to the Plaintiff since 2nd January 1982 and they had a close and loving relationship. There are three children of the marriage. The Deceased also had another child. All four children are now adults.
13. The accident occurred when the Deceased was aged 63 years. The Deceased was employed full time by the 1st Defendant and had been employed by the 1st Defendant for about 30 years. This employment was steady and was likely to continue for the foreseeable future. The Deceased was in good health.
14. The Deceased intended and was financially required to work until taking retirement at 70 in the same job or alternatively in some equally remunerative employment.
15. The Deceased also worked casual jobs at weekends and evenings from which he earned income in addition to his salary with the 1st Defendant.
16. The Plaintiff did not work and was dependent on the Deceased's income for financial support. She last worked as a shop assistant in 2006.

Non-Pecuniary Dependency

17. The Plaintiff claims loss of non-pecuniary dependency.
18. The Deceased was a devoted husband and provided his wife with substantial emotional support and personal attention.
19. The Deceased was capable and active in all aspects of DIY, gardening and general internal and external repairs in the matrimonial home.
20. The Plaintiff does not drive and would be dependent upon the Deceased for transport to various locations to carry out her everyday business. The Plaintiff is now required to take taxis and buses.
21. The Plaintiff will supply further particulars of losses and a schedule of special damages in due course.

22. The Plaintiff will claim interest pursuant to section 34 of the Judicature Law (2013 Revision).

AND THE PLAINTIFF claims:

1. Damages on behalf of the Estate of the Deceased.
2. Damages pursuant to the Torts (Reform) Law (1996)
3. Interest pursuant to the Judicature Law and the Grand Court Rules; and
4. Costs.

McGrath Tonner
McGrath Tonner
Attorneys for the Plaintiff

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AND:

CI PRECAST LTD 1st DEFENDANT

AND

GILLES LANGLOIS 2ND DEFENDANT

**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

Notes for Guidance

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.

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CI PRECAST LTD 1st DEFENDANT

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GILLES LANGLOIS 2ND 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.

McGrath Tonner
Attorneys at Law
5th Floor Genesis Building
Genesis Close
PO Box 446
George Town
Grand Cayman LA

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