

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION**

CAUSE NO: **116** OF 2017  
LACV0210/2015

**BETWEEN:**



**JENNETT ANSON-POWELL**

**PLAINTIFF**

**AND:**

**CAYMAN COST-U-LESS LTD**

**DEFENDANT**

**WRIT OF SUMMONS**

**TO:** Cayman Cost-U-Less Ltd  
Maples Corporate Services Limited  
PO Box 309  
Ugland House  
South Church Street  
George Town  
Cayman Islands



**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff of 47 Comer Avenue, Bodden Town, Grand Cayman 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 **30<sup>th</sup>** day of June, 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.

**IMPORTANT**

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

## STATEMENT OF CLAIM

1. The Plaintiff's date of birth is the 4th August 1963 and her address is 47 Comer Avenue, Bodden Town, Grand Cayman. She is self employed as a commercial farmer.
2. The Defendant was and is at all material times the owner/occupier of a supermarket known as Cost-U-Less located at 51 Lime Tree Bay Avenue, Grand Cayman, to which they invite members of the public to enter for the purpose of purchasing goods.
3. On the 10<sup>th</sup> July 2014 at approximately 3:00pm, the Plaintiff was visiting the store with the purpose of purchasing goods.
4. The Plaintiff was situated at the meat fridges, looking at the produce. As she moved along the fridge, viewing the produce, she tripped on a support post for a metal bar running just above ground level alongside the fridges.
5. The Plaintiff fell to the ground hitting her right knee on the metal bar as she fell and sustaining injury.
6. The accident and resulting injury were caused by the negligence of the Defendant, its employees, servants or agents or both in that they:
  - (a) failed conspicuously to mark the presence and position of the said metal bar and support post;
  - (b) failed by means of signs or notices or otherwise howsoever to warn of the presence or position of the said metal bar and support post;
  - (c) failed to warn the Plaintiff of the presence and position of the said metal bar or support post or otherwise to prevent her walking in the vicinity thereof;
  - (d) permitted or suffered the Plaintiff to walk in the said area when it was unsafe in all the circumstances so to do;
  - (e) exposed the Plaintiff to a danger or a trap and a foreseeable risk of injury;
  - (f) failed to take any or any adequate care for the safety of the Plaintiff.
7. By reason of the aforesaid, the Plaintiff has suffered personal injury, loss and damage.

### **Particulars of General Damage**

8. The Plaintiff was immediately aware of pain in her knee and back and was taken to George Town Hospital by ambulance.
9. She was placed on an IV and underwent x-rays. Her knee was bandaged and she was provided with crutches and pain relieving medication.
10. She reattended hospital the following day and underwent an ultrasound and was given injections.
11. She underwent physiotherapy and remained under the care of her GP, Dr. Pomares with ongoing pain in her back and right knee.

12. She attended with Dr. Nagaraja and Dr. Susheel at Health City Cayman Islands in 2016 and underwent further x-rays revealing early osteoarthritic changes of the right knee joint and early degenerative changes of the lumbar spine. She has been advised to undergo MRI scans and have further physiotherapy.

13. The Plaintiff continues to suffer pain in her right knee and back and wears a back strap.

**Particulars of Loss and Damage**

14. See attached Schedule of Special Damages.

**Statement as to interest**

15. The Plaintiff will claim interest pursuant to section 34 of the Judicature Law (2013 Revision) at half the rate as prescribed under the Judgment Debts (Rates of Interest) Rules (as amended) from the 10<sup>th</sup> July 2014 to Trial.

**AND THE PLAINTIFF claims:**

1. General and Special Damages
2. Interest in accordance with the Judicature Law (2013 Revision)
3. Costs



---

**KSG Attorneys-at-Law**  
**Attorneys for the Plaintiff**

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION**

**CAUSE NO: OF 2017  
LACV0210/2015**

**BETWEEN:**

**JENNETT ANSON-POWELL**

**PLAINTIFF**

**AND:**

**CAYMAN COST-U-LESS LTD**

**DEFENDANT**

**SCHEDULE OF SPECIAL DAMAGES**

**1. EARNINGS**

- 1.1 The Plaintiff is self employed as a commercial farmer. Following the accident, she had to pay other people to undertake tasks she would previously have done.
- 1.2 This included paying \$275 per week to Mr. Plummer to provide Driving/delivery/carrying services. Prior to the accident, she largely did this herself.
- 1.3 She also had to pay Mr. Casanova \$300 per week to take over her weeding as she was no longer able to kneel/crouch to do this.
- 1.4 Loss:  $\$575 \times 150 \text{ weeks} = \$86,250$

**2. DOMESTIC ASSISTANCE**

- 2.1 For the first 6 weeks' post-accident, the Plaintiff was on crutches and unable to do any household tasks and needed assistance around the home, in self-care and general fetching and carrying.
- 2.2 She lives alone and in the circumstances, hired a domestic assistant to come and help her during this time. She paid Ms. Charissa Palmer to do this at a cost of \$150 per week.
- 2.3 Loss:  $\$150 \times 6 = \$900$

**3. GRATUITOUS CARE**

- 3.1 After she came off her crutches, the Plaintiff continued to have difficulty with her household chores including cleaning, mopping, sweeping etc. She was provided a lot of support from members of her church who would come for around 2 hours to assist her twice weekly.
- 3.2 Loss:  $144 \text{ weeks} \times 4 \text{ hours per week} \times \$10 \text{ per hour} = \$5,760.00$  and continuing.

#### 4. MISCELLANEOUS EXPENSES

<b>Description</b>	<b>CI\$</b>
Dr Pomares	TBA
CIHSA	720.61
Health City	589.60
The Physiotherapy Centre	1,204.23
Medication - 36 months x \$10 per month	360.00
MRI Scans	TBA
Future physiotherapy	TBA
Travel to Hospital (11/7/14)	80.00
Travel to Physiotherapy/GP/Health City 20 x \$5	100.00
<b>TOTAL</b>	TBA

**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.

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION**

**CAUSE NO: OF 2017  
LACV0210/2015**

**BETWEEN:**

**JENNETT ANSON-POWELL**

**PLAINTIFF**

**AND:**

**CAYMAN COST-U-LESS LTD**

**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.

KSG Attorneys at Law  
4<sup>th</sup> Floor, Harbour Centre  
42 North Church Street  
PO Box 2255  
George Town  
Grand Cayman  
KY1-1107

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

[Empty box for defendant's attorney indorsement]