

No. 1  
Plaint

IN THE SUMMARY COURT AT GEORGE TOWN



Cause No. SC 39 of 2019

BETWEEN:

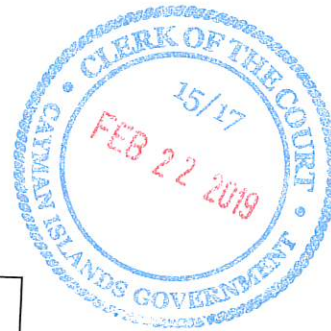
HERLMA ROSS

Plaintiff

AND:

FOSTER'S FOOD FAIR

Defendant



To the Defendant

53 DAVID FOSTER DR.  
P.O. BOX 10400  
GRAND CAYMAN KY1-1004  
CAYMAN ISLANDS.

THIS PLAINT has been issued against your by the above – named Plaintiff in respect of the claim set out on the next page.

**Within 14 days** after service of this Plaintiff on you, counting the day of service you must either satisfy the claim or return to the Court Office, PO Box 495GT, George Town, Grand Cayman, the accompanying Acknowledgment of Service form stating therein whether you intend to contest this action. If you intend to defend the action, in whole or in part, you must set out **full particulars of your defence** in the space provided in the Acknowledgement of Service form.

**If you fail** to satisfy the claim or fail to return the Acknowledgement of Service form containing full particulars of your defence, the Plaintiff may apply for a **default judgment** without any further notice to you.

Issued this 22nd day of February 2019

See overleaf for particulars of the Plaintiff's claim

PARTICULARS OF CLAIM

(Here set out in numbered paragraphs the grounds upon which the Plaintiff claims that the Defendant is indebted to him or is liable to pay damages to him)

1. SLIP AND FALL NEGLIGENCE
2. PAIN AND SUFFERING
3. LOCAL DOCTOR'S BILLS
4. OVERSEAS DOCTOR'S BILLS
5. OVERSEAS TRAVEL EXPENSES

AND the Plaintiff claims:

- 1 The sum of KYD 4,453.02
- 2 Interest in the sum of \$ \_\_\_\_\_ calculated at the prescribed rate from to date.
- 3 Fixed costs of \$ 250.00, alternatively costs to be assessed.



Plaintiff's Signature

9178225

Plaintiff's address for service

P.O. BOX 731 SAVANNAH  
GRAND CAYMAN KY1-1502  
CAYMAN ISLANDS

Thelma D. Ross  
PO Box 731 Savannah, KY1-1502  
Grand Cayman, Cayman Islands

(1345-9178225)

7<sup>th</sup> day of February, 2019

**Ms. Lori L. Livingston**

C/o British Caymanian Insurance Co. Ltd  
BritCay House, 236 Eastern Ave  
PO Box 74, Grand Cayman KY1-1102  
Cayman Islands

Re: Settlement for Foster Food Fair IGA incident dated 29May18

In support of my Settlement Request, I Thelma Ross confirmed that I have completed my treatment plan for my slip-and-fall incident which occurred on the 29<sup>th</sup> day of May, 2018 at the Foster Food Fair IGA location on West Bay Road.

Please kindly accept this letter as my request for payment in the amount of KYD\$4,453.62 for all cost incur, including my doctors' bills and pain and suffering over the months.

This is my final request for payment in the amount of KYD\$4,453.62 and no further claims will be brought to BritCay for this matter if settlement is not paid in full on the 7<sup>th</sup> day of February, 2019. If payment is not paid I will file this matter in Court tomorrow morning the 8<sup>th</sup> day of February, 2019 and I will seek for payment plus all additional fees and court cost which may occur.

If you require any additional information from me, please feel free to contact me at the above contact details.

Sincerely yours,



Ms. Thelma D. Ross

Cayman Island Hospital  
95 Hospital Road  
P.O. Box 915  
Grand Cayman, KY1-1103



HEALTH SERVICES AUTHORITY  
CAYMAN ISLANDS  
Caring People. Quality Service.



## Transfer Document

Patient Name: **ROSS, THELMA DAPHINE**

DOB/Age/Sex: 27/Jul/1972 45 years Female

MRN: 00106116

FIN #: 0004761655

Admit Date: 06/Jun/2018

Disch Date: 06/Jun/2018

Consulting Dr:

Attending Dr: **CAMPBELL, VERLEY**

### Emergency Physician Notes

Signed By:  
**CAMPBELL, VERLEY (06/Jun/2018 18:02 )**

#### Chief Complaint

PC - Bruising to L side of breast post fall.

#### History of Present Illness

Said fell on 29/May with injury to left arm and chest seen and treated in ER .Now presents because notice bruise to area 2 days after incident  
No pain

#### Review of Systems

Respiratory: No shortness of breath.

Cardiovascular: No chest pain.

Gastrointestinal: No nausea.

#### Physical Exam

##### Vitals & Measurements

T: 37.1 °C (Oral) RR: 12 BP: 160/101 SpO2: 98%

General: Female in no obvious distress

Afebrile

3x3 cm irregular erythematous bruise to left lower outer quadrant left breast  
non tender

#### Assessment/Plan

?Breast Injury

#### Plan

discharge , no treatment necessary

#### Allergies

NKA

#### Procedure/Surgical History

Excision of Hemorrhoidal Plexus, Open Approach.

#### Problem List/Past Medical History

##### Ongoing

No qualifying data

##### Historical

No qualifying data

#### Current Medications

##### Home

No active home medications

Statement #: 8089237

Account #:	Amount Due:	Amount Paid:				
106116	326.80		<input type="checkbox"/> Check	<input type="checkbox"/> Discover	<input type="checkbox"/> Visa	<input type="checkbox"/> Master Card
Statement Date:	Date Due:	Credit Card Number:	Exp. Date:			
06-08-2018	07-08-2018					
		Signature:	X _____			

Make Checks Payable and Mail to:

THELMA DAPHINE ROSS  
 PO BOX 1256  
 Grand Cayman KY1-1108  
 CAYMAN ISLANDS, Grand Cayman

C.I. Health Services Authority  
 P.O. Box 915  
 Grand Cayman KY1-1103  
 GRAND CAYMAN,

Please detach and return this portion with your payment.  
 Please indicate any name and/or address changes on this form.

Inquiries call (345) 623-8600	Account #: 106116	Statement #: 8089237
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Provider of Service	Date of Service	Service Provided/ Account Activity	Charges, Payments, Adjustments	Insurance Pending	Patient Balance	*R
Patient Name: THELMA DAPHINE ROSS						
Date of Service: 05-29-2018 Financial#: 4751956 Grand Cayman						
	05-29-2018	diclofenac 25 mg/mL Inj. (3 mL)	4.50		4.50	
	05-29-2018	Basic A&E Bed Supplies	6.00		6.00	
	05-29-2018	XR Chest 2 Views	97.87		97.87	
	05-29-2018	ER Level 3 Fee - 99283	183.70		183.70	
	05-29-2018	IM/Subcut Injection	34.73		34.73	
		Visit Total:	326.80	0.00	326.80	1
Unpaid Balance:				0.00	326.80	

Total patient payments and or co-payments applied since last statement: \$ 0.00

\*R - Description of Remarks

1 - Thank you for choosing Cayman Island Health Services Authority for your healthcare. This bill represents the amount due for services rendered. Please pay the portion shown as unpaid balance.

CERNER DCM STMT1.1

**Cayman Island Hospital**  
95 Hospital Road  
P.O. Box 915  
Grand Cayman, KY1-1103



**HEALTH SERVICES AUTHORITY**  
**CAYMAN ISLANDS**  
Caring People. Quality Service.



## Transfer Document

Patient Name: **ROSS, THELMA DAPHINE**

DOB/Age/Sex: 27/Jul/1972 45 years Female

MRN: 00106116

FIN #: 0004751956

Admit Date: 29/May/2018

Disch Date: 29/May/2018

Consulting Dr:

Attending Dr: **CAMPBELL, NICKICIA**

### Emergency Physician Notes

Signed By:

**CAMPBELL, NICKICIA (29/May/2018 18:14 )**

**Chief Complaint:** fell onto the ground today

**History of Present Illness:**

Nil chronic illnesses

Pt reported having slipped and fell onto the ground hitting the L side of chest & L forearm.

C/o pain to L chest only on movement or if she touches the region

Non pleuritic

Nil SOB

Also c/o minor pain and swelling to L forearm.

**Review of Systems:**

Constitutional: No fever, No chills, No rigors, No fatigue

Head: No trauma, No headache

Eye: No changes in vision

Ears/Nose/Mouth/Throat: \_

Respiratory: No dyspnea, No cough

Cardiovascular: No chest pain, No palpitations, No orthopnea, No paroxysmal nocturnal dyspnoea, No exertional dyspnea

Gastrointestinal: No pain, No nausea, No vomiting, No diarrhea, No constipation

Genitourinary: No dysuria, No frequency, No urgency

Musculoskeletal: No myalgia, No arthralgia

Neurological: No parasthesia

Integumentary: No rash, No hyperemia

**Allergies:**

nil

**Past Medical History:**

nil

**Past Surgical History:**

nil

**Medications:**

nil

**Social History:**

nil ethanol use

**Cayman Island Hospital**

Patient Name: **ROSS, THELMA DAPHINE**  
MRN: 00106116  
FIN #: 0004751956

**General Diagnostic**

Accession Number XR-18-0008184	Exam XR Chest 2 Views	Exam Date/Time 29/May/2018 17:43	Ordering Dr. CAMPBELL ,NICKICIA
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**Report**

within normal limits. Cholecystectomy clips present in right upper quadrant of abdomen. If symptoms persist, additional evaluation is recommended.

Impression: No fracture or dislocation. No pleural effusions, consolidation, or pneumothorax

\*\*\* Final Report \*\*\*

Interpereted By:  
Signed By (Electronic Signature): *DEVNANI , AVINASH*  
Signed Date: 01-JUN-2018 08:19

Radiographer: *DEVNANI , AVINASH*

**Radiology Documents**

Signed By:

**CR028**

===== REPORT TEXT =====

Reason for Exam:  
fall, CXR with left rib view

XR Chest 2 Views of 29/05/2018:

Interpreted by:  
Signed by (Electronic Signature): *DEVNANI, AVINASH*  
Signed date: 30/05/2018 06:11 AM  
Radiographer: *CLETUS, KINCILY*

===== REPORT TEXT END =====

**CR028**

[http://zfpsrv/ZFP?mode=proxy#view&ris\\_pat\\_id=106116&ris\\_exam\\_id=XR20180008184&un=WEBAPI&pw=AsOOazWzLmAfNlGPDshqsbW2r9HrkF1agzNUsd6ikT8%3d](http://zfpsrv/ZFP?mode=proxy#view&ris_pat_id=106116&ris_exam_id=XR20180008184&un=WEBAPI&pw=AsOOazWzLmAfNlGPDshqsbW2r9HrkF1agzNUsd6ikT8%3d) HNAM URL

Statement #: 8089238

Account #:	Amount Due:	Amount Paid:				
106116	126.82		<input type="checkbox"/> Check	<input type="checkbox"/> Discover	<input type="checkbox"/> Visa	<input type="checkbox"/> Master Card
Statement Date:	Date Due:	Credit Card Number:	Exp. Date:			
06-08-2018	07-08-2018					
		Signature:	X _____			

Make Checks Payable and Mail to:

THELMA DAPHINE ROSS  
 PO BOX 1256  
 Grand Cayman KY1-1108  
 CAYMAN ISLANDS, Grand Cayman

C.I. Health Services Authority  
 P.O. Box 915  
 Grand Cayman KY1-1103  
 GRAND CAYMAN,

Please detach and return this portion with your payment.  
 Please indicate any name and/or address changes on this form.

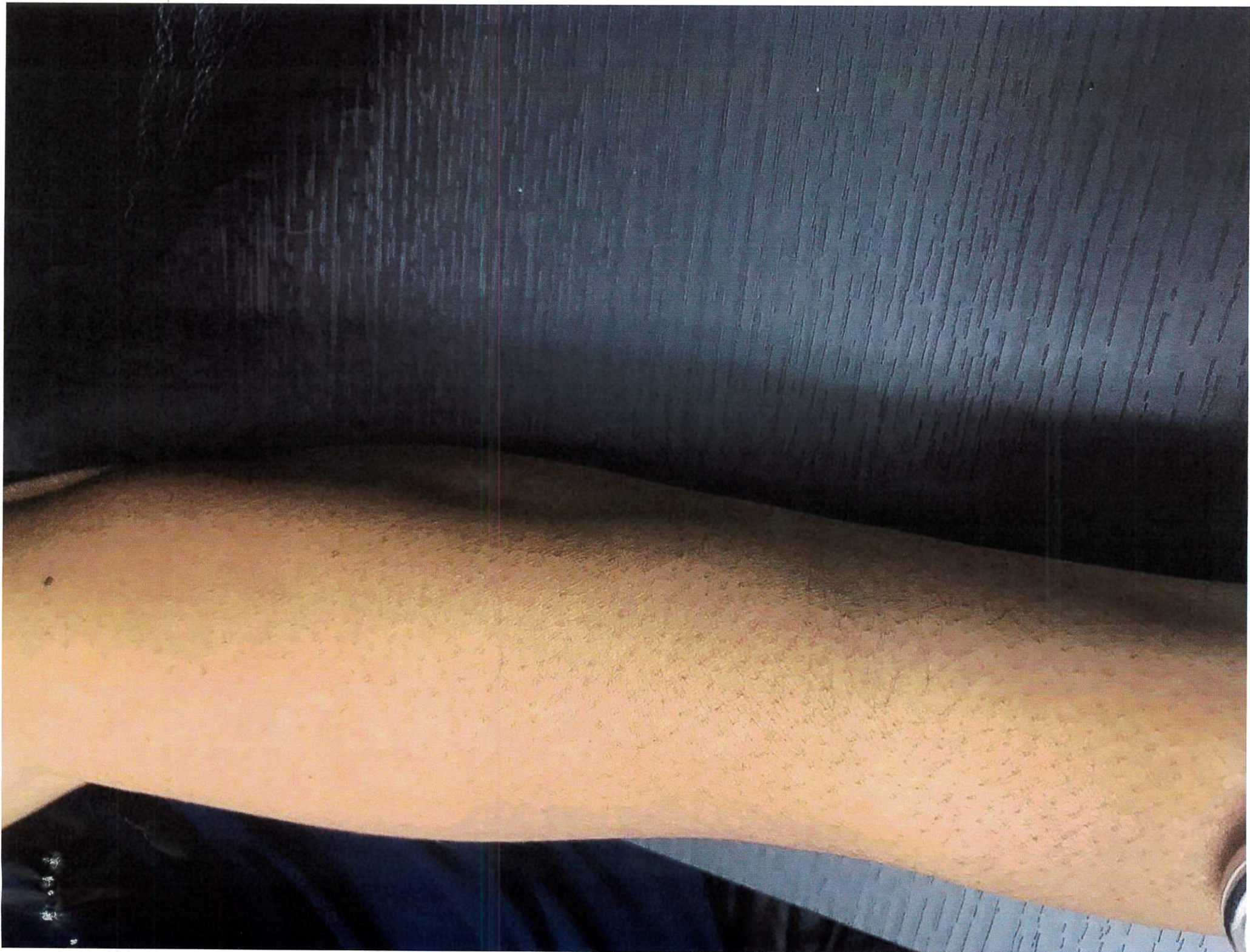
Inquiries call (345) 623-8600	Account #: 106116	Statement #: 8089238
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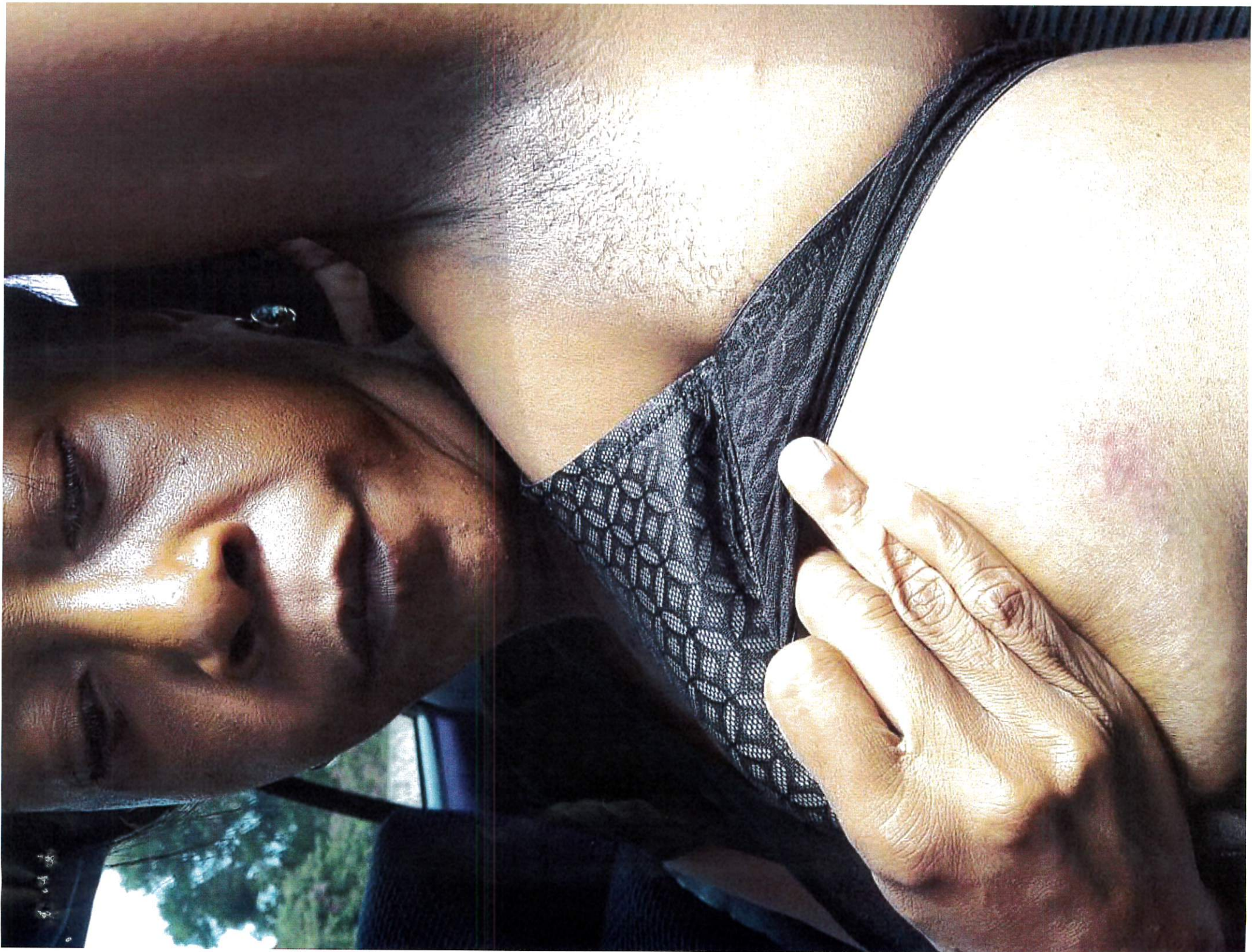
Provider of Service	Date of Service	Service Provided/ Account Activity	Charges, Payments, Adjustments	Insurance Pending	Patient Balance	*R
Patient Name: THELMA DAPHINE ROSS						
Date of Service: 06-06-2018 Financial#: 4761655						
Grand Cayman						
		06-06-2018 Basic A&E Bed Supplies	6.00		6.00	
		06-06-2018 ER Level 2 Fee - 99282	120.82		120.82	
		Visit Total:	126.82	0.00	126.82	
Unpaid Balance:				0.00	126.82	

Total patient payments and or co-payments applied since last statement: \$0.00

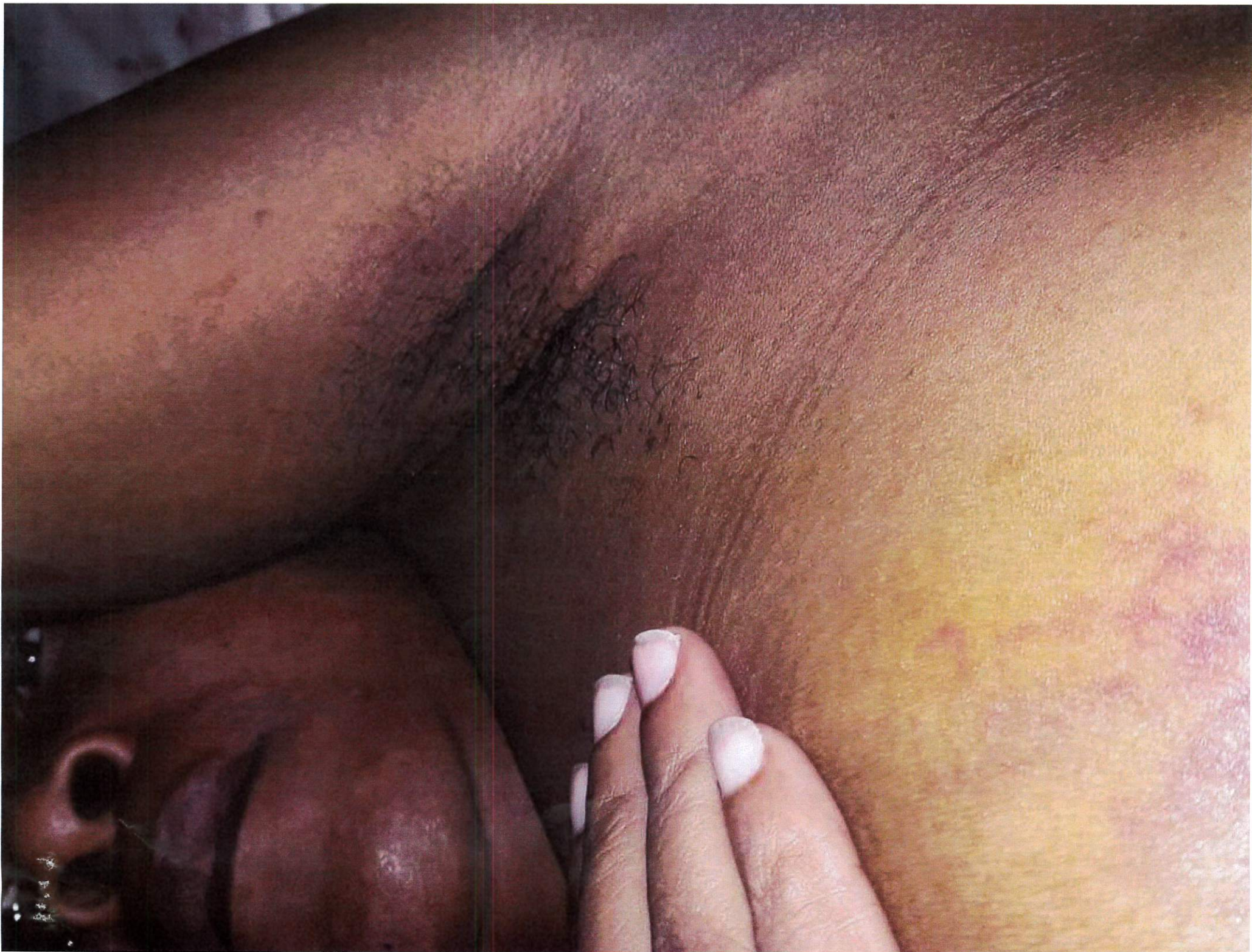
\*R - Description of Remarks

SERNER DCH STWT1.1





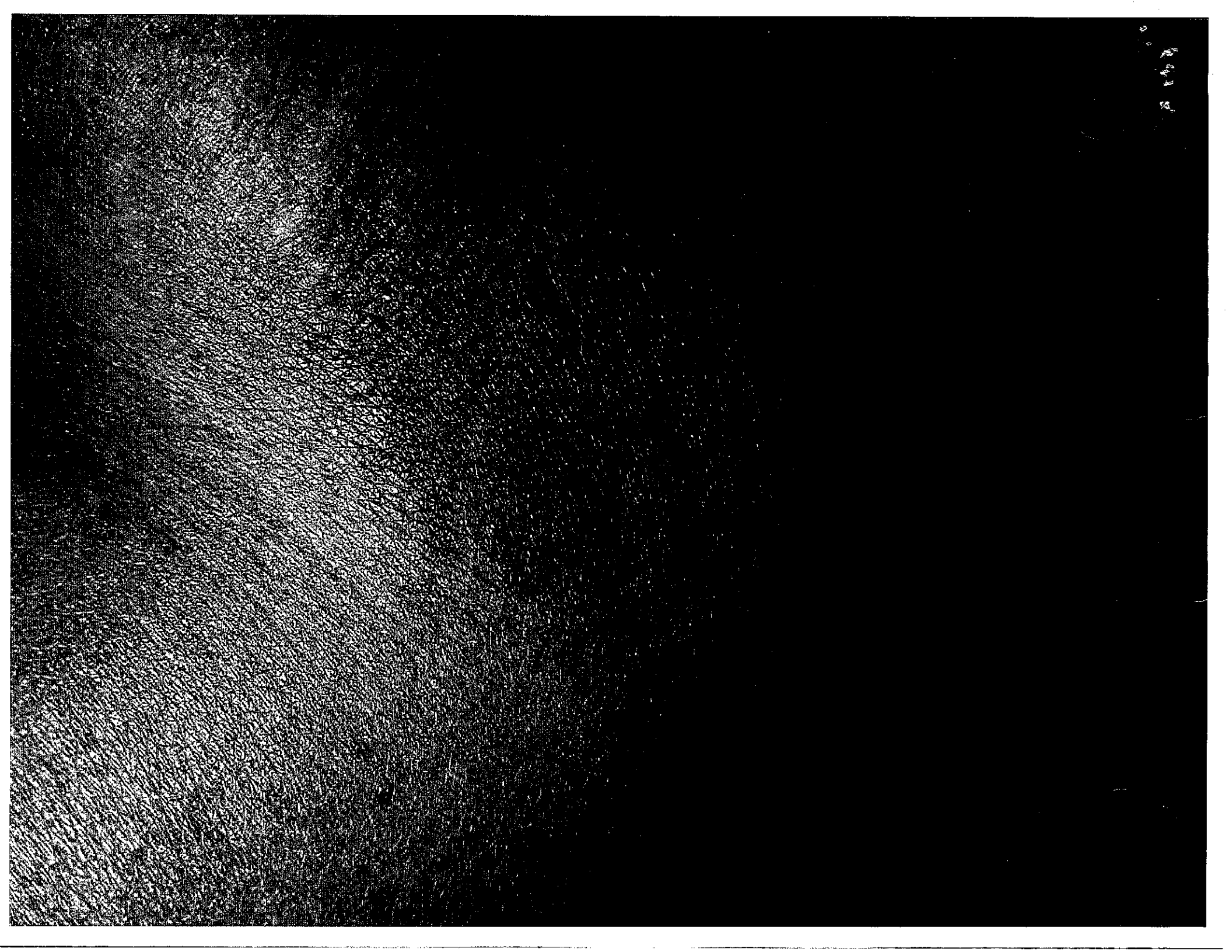








10  
11  
12



**Ross, Thelma**

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**From:** Ross, Thelma  
**Sent:** 08 February 2019 11:03  
**To:** 'Lori L. Livingston'  
**Cc:** [stephaine.wight@fosters-IGA.com](mailto:stephaine.wight@fosters-IGA.com); [woody.foster@fosters-IGA.com](mailto:woody.foster@fosters-IGA.com)  
**Subject:** RE: Settlement Offer

Noted.

I will request the same in my Court Order.

Have a wonderful day and weekend!

Kindest regards,  
Thelma Ross

---

**From:** [Lori L. Livingston \[mailto:Lori.Livingston@britcay.ky\]](mailto:Lori.Livingston@britcay.ky)  
**Sent:** 08 February 2019 11:00 AM  
**To:** Ross, Thelma  
**Cc:** [stephaine.wight@fosters-IGA.com](mailto:stephaine.wight@fosters-IGA.com); [woody.foster@fosters-IGA.com](mailto:woody.foster@fosters-IGA.com)  
**Subject:** RE: Settlement Offer

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---

Hello Thelma,

CCTV footage will not be available to you from BritCay, if you are filing against Foster's IGA; CCTV footage will have to be legally requested from them directly.

Lori

---

**From:** [Thelma.Ross@Butterfieldgroup.com \[mailto:Thelma.Ross@Butterfieldgroup.com\]](mailto:Thelma.Ross@Butterfieldgroup.com)  
**Sent:** Friday, February 08, 2019 10:55 AM  
**To:** Lori L. Livingston <[Lori.Livingston@britcay.ky](mailto:Lori.Livingston@britcay.ky)>  
**Cc:** [stephaine.wight@fosters-IGA.com](mailto:stephaine.wight@fosters-IGA.com); [woody.foster@fosters-IGA.com](mailto:woody.foster@fosters-IGA.com)  
**Subject:** RE: Settlement Offer

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Hi Lori,

No need to respond to the below.

I will move forward with my Settlement Order in Court today and against Foster Food Fair IGA.

Since I am representing myself, I would like a copy of the CTV footage. Can you please also arrange for a copy of the CTV footage to be available to me in order for me to submit as well? I will attend your office at 11:30am to collect everything.

Kind regards  
Thelma

---

**From:** Ross, Thelma  
**Sent:** 08 February 2019 10:14 AM  
**To:** 'Lori L. Livingston'  
**Cc:** 'stephaine.wight@fosters-IGA.com'; 'woody.foster@fosters-IGA.com'  
**Subject:** RE: Settlement Offer

Good morning Lori,

Many thanks for your email below. I will arrange for the package to be collected before 1pm today.

Is it correct to say that BritCay/FFF IGA has declined to settle my Settlement Request in the amount of KYD\$4,453.62? If yes, please note that I will move with filing this matter in Court for payment.

Can you be so kind and confirm if this matter should be filed against Foster's Food Fair or BritCay? If BritCay, can I arrange for the Order/paperwork to be sent to you?

Thanking you in advance!

Kind regards,  
Thelma

---

**From:** Lori L. Livingston [<mailto:Lori.Livingston@britcay.ky>]  
**Sent:** 08 February 2019 9:52 AM  
**To:** Ross, Thelma  
**Cc:** 'stephaine.wight@fosters-IGA.com'; 'woody.foster@fosters-IGA.com'  
**Subject:** RE: Settlement Offer

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Good morning Thelma,

I've just been updated by Lester Purvis of yesterday's discussions.

I've placed photos, C.I. Health Services statements and physician's notes you provided to us, in a sealed envelope at our 3<sup>rd</sup> floor reception desk for collection at your convenience.

Regards,  
Lori

---

**From:** Lori L. Livingston  
**Sent:** Thursday, February 07, 2019 4:40 PM  
**To:** 'Thelma.Ross@Butterfieldgroup.com' <[Thelma.Ross@Butterfieldgroup.com](mailto:Thelma.Ross@Butterfieldgroup.com)>

Cc: [stephaine.wight@fosters-IGA.com](mailto:stephaine.wight@fosters-IGA.com); [woody.foster@fosters-IGA.com](mailto:woody.foster@fosters-IGA.com)

Subject: RE: Settlement Offer

Good afternoon Thelma,

We are not entitled to share our files, all communication has been via email and will suffice for your request.

Much thanks,  
Lori

---

**From:** [Thelma.Ross@Butterfieldgroup.com](mailto:Thelma.Ross@Butterfieldgroup.com) [<mailto:Thelma.Ross@Butterfieldgroup.com>]

**Sent:** Thursday, February 07, 2019 4:35 PM

**To:** Lori L. Livingston <[Lori.Livingston@britcay.ky](mailto:Lori.Livingston@britcay.ky)>

**Cc:** [stephaine.wight@fosters-IGA.com](mailto:stephaine.wight@fosters-IGA.com); [woody.foster@fosters-IGA.com](mailto:woody.foster@fosters-IGA.com)

**Subject:** RE: Settlement Offer

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Hi Lori,

Please note that I will be attending your office in the next ten minutes to collect the documents.

See you in a few.

Kind regards,  
Thelma

---

**From:** Ross, Thelma

**Sent:** 07 February 2019 2:11 PM

**To:** 'Lori L. Livingston'

**Cc:** [stephaine.wight@fosters-IGA.com](mailto:stephaine.wight@fosters-IGA.com); [woody.foster@fosters-IGA.com](mailto:woody.foster@fosters-IGA.com)

**Subject:** RE: Settlement Offer

Hi Lori,

Please see attached letter for your review and further action. I will be leaving the Bank shortly for lunch and I will be available on my cell.

Can you please confirm your office opening hours?

Thanking you in advance!

Kind regards,  
Thelma

---

**From:** Lori L. Livingston [<mailto:Lori.Livingston@britcay.ky>]

**Sent:** 07 February 2019 1:03 PM

**To:** Ross, Thelma

**Cc:** [stephaine.wight@fosters-IGA.com](mailto:stephaine.wight@fosters-IGA.com); [woody.foster@fosters-IGA.com](mailto:woody.foster@fosters-IGA.com)

**Subject:** RE: Settlement Offer

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---

You are most welcome Thelma,

Our offer was made June 25<sup>th</sup> based upon your June 12<sup>th</sup> 2018 declaration of your treatment being complete, the additional treatment detailed below is just now being bought to our attention.

We await the legal statement of your claim to comply with any additional request.

Best regards,  
Lori

---

**From:** [Thelma.Ross@Butterfieldgroup.com](mailto:Thelma.Ross@Butterfieldgroup.com) [<mailto:Thelma.Ross@Butterfieldgroup.com>]  
**Sent:** Thursday, February 07, 2019 12:47 PM  
**To:** Lori L. Livingston <[Lori.Livingston@britcay.ky](mailto:Lori.Livingston@britcay.ky)>  
**Cc:** [stephaine.wight@fosters-IGA.com](mailto:stephaine.wight@fosters-IGA.com); [woody.foster@fosters-IGA.com](mailto:woody.foster@fosters-IGA.com)  
**Subject:** RE: Settlement Offer

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---

Good morning Lori,

Many thanks for your email below.

Please note that your first offer was a total of KYD\$953.62 and that offer was made on the 25<sup>th</sup> day of June, 2018 which was less than a month after my fall at Foster, West Bay Road. I had several doctors visits after the said date and even travel overseas to confirm that my breast was not severely damage to a point to getting breast cancer and I now can put my clothes on by myself.

It's now over eight months and my last follow-up doctors visit in Jamaica took placed within the first week of January of this year (I have all relevant documentation regarding the cost of flights and visits). I have clearly stated that I will settled for KYD\$4,453.62 covering my local hospital appointments and my three trips to Jamaica for my doctors' appointments overseas, expenses incur and my pain and suffering for the last months.

I am unable to accept KYD\$2,703.62 as this amount does not cover the expense I incur over the months.

I will attend the court house tomorrow morning to submit my Settlement request for payment in full and I will also seek for payment of all fees incur with this matter, including my Court cost from BritCay.

Please have all documentation in this matter available to me, including offers provided to me and the video footage from Fosters Food Fair IGA available for my collection by 2pm today.

Thanking you in advance!

Kind regards,  
Thelma

---

**From:** Lori L. Livingston [<mailto:Lori.Livingston@britcay.ky>]  
**Sent:** 07 February 2019 11:39 AM  
**To:** Ross, Thelma  
**Cc:** 'stephaine.wight@fostersIGA.com'  
**Subject:** RE: Settlement Offer

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---

\*without prejudice\*

Good morning Thelma,

Thanks for your patience whilst your file and email of January 29<sup>th</sup> 2019 was reviewed.

Upon completion of this process, our position on liability remains the same as my email dated June 25<sup>th</sup> 2018 and your counteroffer of CI\$4,453.62 has been declined.

However, in an effort to arrive at an amicable agreement; we are willing to revert with an offer of CI\$2,703.62. This figure being 50% of the difference (\$3,500.00) between our original and your counter offer, plus the original settlement figure.

Please review and advice on your position to accept, I eagerly await your update to proceed.

Best regards,  
Lori

---

**From:** Lori L. Livingston  
**Sent:** Wednesday, February 06, 2019 2:38 PM  
**To:** 'Thelma.Ross@Butterfieldgroup.com' <[Thelma.Ross@Butterfieldgroup.com](mailto:Thelma.Ross@Butterfieldgroup.com)>  
**Cc:** [stephanie.wight@fostersIGA.com](mailto:stephanie.wight@fostersIGA.com)  
**Subject:** RE: Settlement Offer

Good afternoon Thelma,

All is well, thanks!

Yes you have made it clear that you did not retain Ms. Grandage's services, however based on her original conduct email we had been forced to await her confirmation of your declaration.

Having received Mrs. Grandage's email only yesterday, we have been in the process of reviewing your file and your counter offer.

I will advise prior to closing tomorrow, February 7<sup>th</sup> 2019.

Thanks for your email,  
Lori

---

**From:** [Thelma.Ross@Butterfieldgroup.com](mailto:Thelma.Ross@Butterfieldgroup.com) [<mailto:Thelma.Ross@Butterfieldgroup.com>]  
**Sent:** Wednesday, February 06, 2019 2:31 PM  
**To:** Lori L. Livingston <[Lori.Livingston@britcay.ky](mailto:Lori.Livingston@britcay.ky)>  
**Cc:** [stephanie.wight@fostersIGA.com](mailto:stephanie.wight@fostersIGA.com)  
**Subject:** RE: Settlement Offer

This message originated from outside your organization

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Good Day Ms. Lori,

Trust all is well!

I do believe that I have made it clear that I did not retained Ms. Grandage services in this matter and it was not my intention to take FFF IGA to court if a settlement can be reach prior to me filing any paperwork with the CI Court office.

Please note that I've copied in Mrs. Wight (Manager of FFF IGA); who is aware of my slip-and fall on 29<sup>th</sup> day of May, 2018 and this is only for a matter of proper record keeping. It is my intention to file this matter with the Courts early next week if my Settlement Request in the amount of KYD\$4,453.62 is denied by BritCay.

Today is exactly eight (8) months and eight days since my fall which is around 240 days and my settlement request is little to none for the pain I went through over the months.

As stated below my Settlement Request is valid for seven (7) days commencing on the 1<sup>st</sup> day of February, 2019 and ending tomorrow at 2:48pm Cayman time.

If you have any questions or wish to contact my please call me on 1345 917 8225.

Kind regards,

Thelma Ross

---

**From:** Ross, Thelma  
**Sent:** 05 February 2019 1:23 PM  
**To:** 'Lori L. Livingston'  
**Subject:** RE: Settlement Offer

Good Day Lori,

Many thanks for your email below.

Please note that Ms. Grandage does not represent me for this matter and I have declined a meeting invitation offered to me by her firm.

Kind regards,  
Thelma

**From:** Lori L. Livingston [<mailto:Lori.Livingston@britcay.ky>]  
**Sent:** 05 February 2019 8:36 AM  
**To:** Ross, Thelma  
**Subject:** RE: Settlement Offer

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Report any suspicious emails to [phishing@butterfieldgroup.com](mailto:phishing@butterfieldgroup.com)

---

Good morning Thelma,

Apologies for my delay in response as I was out of office.

We are awaiting Kim Grandage's response, post your scheduled meeting to discuss with her.

Regards,  
Lori

**From:** [Thelma.Ross@Butterfieldgroup.com](mailto:Thelma.Ross@Butterfieldgroup.com) [mailto:[Thelma.Ross@Butterfieldgroup.com](mailto:Thelma.Ross@Butterfieldgroup.com)]

**Sent:** Friday, February 01, 2019 3:33 PM

**To:** Lori L. Livingston <[Lori.Livingston@britcay.ky](mailto:Lori.Livingston@britcay.ky)>

**Cc:** Lester Purvis <[Lester.Purvis@britcay.ky](mailto:Lester.Purvis@britcay.ky)>

**Subject:** RE: Settlement Offer

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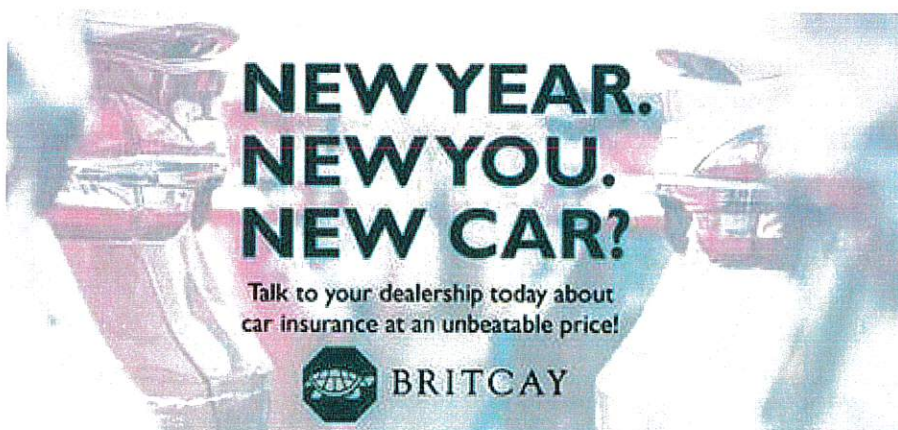
---

Hi Lori,

In addition to the below, please note that I will be reaching out to Ms. Stephanie Foster-White in due course regarding the below and as she had previously requested that I do.

Have a wonderful weekend!

Kind regards,  
Thelma Ross



---

**From:** Ross, Thelma

**Sent:** 01 February 2019 2:48 PM

**To:** 'Lori.Livingston@britcay.ky'

**Cc:** 'lester.purvis@britcay.ky'

**Subject:** RE: Settlement Offer

Hi Lori,

Trust all is well!

Please note that I was in contact with Mr. David Holland from KSG Attorneys at Law to seek advice on my Foster Food Fair matter (29May18); and Mr. Holland referred me to his colleague Ms. Kim Grandage. I have not met with Ms. Grandage to date and I did not retain their services in this matter. I have clearly stated that I am willing to settle for the sum of KYD\$4,453.62 and I kindly request that this amount be paid out to me in due course for my slip and fall/pain and suffering over the pass months.

Please take this email as a settlement request as I took the below Settlement Offer dated 25Jun18. This Settlement request will be valid for seven (7) days commencing today 1<sup>st</sup> day of February, 2019.

If you have any questions, please let me know via email.

Kind regards,  
Thelma Ross

---

**From:** Ross, Thelma  
**Sent:** 30 January 2019 10:32 AM  
**To:** 'Lori.Livingston@britcay.ky'  
**Subject:** RE: Settlement Offer

Good morning Lori,

Can you please kindly acknowledge receipt of my email below?

Thanking you in advance!

Kind regards,  
Thelma Ross

---

**From:** Ross, Thelma  
**Sent:** 29 January 2019 3:52 PM  
**To:** 'Lori.Livingston@britcay.ky'  
**Subject:** RE: Settlement Offer

Good Day Lori,

Trust you had a wonder Christmas and a bless New Year!

Please note that I have discussed the settlement figure below with my family and my doctor. I am no longer feeling pain under my arm and I can put on my clothes without being helped.

The settlement that I will agree on is KYD\$4,453.62

Can you please discuss the above with your board members and revert soonest?

In addition, can you be so kind and confirm receipt?

Thanking you in advance!

Kind regards,  
Thelma Ross

---

**From:** Lori L. Livingston [<mailto:Lori.Livingston@britcay.ky>]  
**Sent:** 25 June 2018 2:24 PM  
**To:** [thelma.ross@butterfieldgroup.com](mailto:thelma.ross@butterfieldgroup.com)  
**Subject:** Settlement Offer

**External E-mail:**

---

**\*without Prejudice\***

Good afternoon again Thelma,

Thanks for your call earlier.

As per our discussion on June 6<sup>th</sup> 2018, BritCay would be willing to settle your treatment billing at HSA totaling CI\$453.62 and issue a settlement of CI\$500.00 directly to yourself.

If you wish to discuss or request we reconsider your settlement figure, please advise at your earliest convenience.

Best regards,

Lori



**BRITCAY**

**Lori L. Livingston | Claims Officer**

British Caymanian Insurance Co. Ltd.

Tel. (345) 949-8699 | Dir. (345) 914-9855 | Fax. (345) 949-8411

BritCay House, 236 Eastern Ave | PO Box 74, Grand Cayman, KY1-1102, Cayman Islands

[Lori.Livingston@britcay.ky](mailto:Lori.Livingston@britcay.ky) |

[www.cgigroup.com](http://www.cgigroup.com)



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**The information contained in this communication from [thelma.ross@butterfieldgroup.com](mailto:thelma.ross@butterfieldgroup.com) sent at 2019-02-07 17:47:16 is confidential and may be legally privileged. It is intended solely for use by [lori.livingston@britcay.ky](mailto:lori.livingston@britcay.ky) and others authorized to receive it. If you are not [lori.livingston@britcay.ky](mailto:lori.livingston@britcay.ky) you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful.**

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---

The information contained in this communication from **[thelma.ross@butterfieldgroup.com](mailto:thelma.ross@butterfieldgroup.com)** sent at 2019-02-08 15:55:06 is confidential and may be legally privileged. It is intended solely for use by **[lori.livingston@britcay.ky](mailto:lori.livingston@britcay.ky)** and others authorized to receive it. If you are not **[lori.livingston@britcay.ky](mailto:lori.livingston@britcay.ky)** you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful.

**Ross, Thelma**

---

**From:** Ross, Thelma  
**Sent:** 08 February 2019 13:50  
**To:** 'stephaine.wight@fosters-IGA.com'  
**Cc:** 'woody.foster@fosters-IGA.com'  
**Subject:** RE: Settlement Offer

Good day Stephaine,

Trust all is well!

As you may see from the below correspondence your insurance carrier (BritCay) has refused to settle my slip-and-fall matter in the amount of KYD\$4,453.62 which leaves me without any choice than to seek payment through the Court from Foster Food Fair IGA.

I have already prepared the necessary paperwork as requested by the court; however this is an opportunity to reach out to you both and provide you with an opportunity to arrange for settlement before this matter is made public. Stephaine you have my telephone number so please feel free to call me if your organization would like to settle out of Court. I can also be reach on 815 7535 until 3pm today.

If you organization would like to proceed in Court, please let me know and my only request is since I am representing myself I therefore would like a copy of the CTV footage in order to file with my other documents. Can you please arrange for the footage to be available for my collection by 6pm today?

In addition to the above, can you be so kind and confirm who's attention should I address the Order to in order for the Bailiff to properly deliver the Order?

Settlement – KYD\$4,453.62  
Filing fee – KYD\$25.00  
Expected court appearance cost per a day – KYD\$250.00  
Expected additional Court cost – Unknown at this time

I hope that this matter can be resolved soonest.

Kind regards  
Thelma Ross

---

**From:** Ross, Thelma  
**Sent:** 08 February 2019 11:03 AM  
**To:** 'Lori L. Livingston'  
**Cc:** stephaine.wight@fosters-IGA.com; woody.foster@fosters-IGA.com  
**Subject:** RE: Settlement Offer

Noted.

I will request the same in my Court Order.

Have a wonderful day and weekend!

Kindest regards,  
Thelma Ross

---

**From:** Lori L. Livingston [mailto:Lori.Livingston@britcay.ky]  
**Sent:** 08 February 2019 11:00 AM  
**To:** Ross, Thelma  
**Cc:** stephaine.wight@fosters-IGA.com; woody.foster@fosters-IGA.com  
**Subject:** RE: Settlement Offer

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---

Hello Thelma,

CCTV footage will not be available to you from BritCay, if you are filing against Foster's IGA; CCTV footage will have to be legally requested from them directly.

Lori

---

**From:** Thelma.Ross@Butterfieldgroup.com [mailto:Thelma.Ross@Butterfieldgroup.com]  
**Sent:** Friday, February 08, 2019 10:55 AM  
**To:** Lori L. Livingston <Lori.Livingston@britcay.ky>  
**Cc:** stephaine.wight@fosters-IGA.com; woody.foster@fosters-IGA.com  
**Subject:** RE: Settlement Offer

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---

Hi Lori,

No need to respond to the below.

I will move forward with my Settlement Order in Court today and against Foster Food Fair IGA.

Since I am representing myself, I would like a copy of the CTV footage. Can you please also arrange for a copy of the CTV footage to be available to me in order for me to submit as well? I will attend your office at 11:30am to collect everything.

Kind regards  
Thelma

---

**From:** Ross, Thelma  
**Sent:** 08 February 2019 10:14 AM  
**To:** 'Lori L. Livingston'  
**Cc:** 'stephaine.wight@fosters-IGA.com'; 'woody.foster@fosters-IGA.com'  
**Subject:** RE: Settlement Offer

Good morning Lori,

Many thanks for your email below. I will arrange for the package to be collected before 1pm today.

Is it correct to say that BritCay/FFF IGA has declined to settle my Settlement Request in the amount of KYD\$4,453.62? If yes, please note that I will move with filing this matter in Court for payment.

Can you be so kind and confirm if this matter should be filed against Foster's Food Fair or BritCay? If BritCay, can I arrange for the Order/paperwork to be sent to you?

Thanking you in advance!

Kind regards,  
Thelma

---

**From:** Lori L. Livingston [<mailto:Lori.Livingston@britcay.ky>]  
**Sent:** 08 February 2019 9:52 AM  
**To:** Ross, Thelma  
**Cc:** 'stephaine.wight@fosters-IGA.com'; 'woody.foster@fosters-IGA.com'  
**Subject:** RE: Settlement Offer

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Good morning Thelma,

I've just been updated by Lester Purvis of yesterday's discussions.

I've placed photos, C.I. Health Services statements and physician's notes you provided to us, in a sealed envelope at our 3<sup>rd</sup> floor reception desk for collection at your convenience.

Regards,  
Lori

---

**From:** Lori L. Livingston  
**Sent:** Thursday, February 07, 2019 4:40 PM  
**To:** 'Thelma.Ross@Butterfieldgroup.com' <[Thelma.Ross@Butterfieldgroup.com](mailto:Thelma.Ross@Butterfieldgroup.com)>  
**Cc:** [stephaine.wight@fosters-IGA.com](mailto:stephaine.wight@fosters-IGA.com); [woody.foster@fosters-IGA.com](mailto:woody.foster@fosters-IGA.com)  
**Subject:** RE: Settlement Offer

Good afternoon Thelma,

We are not entitled to share our files, all communication has been via email and will suffice for your request.

Much thanks,  
Lori

---

**From:** [Thelma.Ross@Butterfieldgroup.com](mailto:Thelma.Ross@Butterfieldgroup.com) [<mailto:Thelma.Ross@Butterfieldgroup.com>]  
**Sent:** Thursday, February 07, 2019 4:35 PM  
**To:** Lori L. Livingston <[Lori.Livingston@britcay.ky](mailto:Lori.Livingston@britcay.ky)>  
**Cc:** [stephaine.wight@fosters-IGA.com](mailto:stephaine.wight@fosters-IGA.com); [woody.foster@fosters-IGA.com](mailto:woody.foster@fosters-IGA.com)  
**Subject:** RE: Settlement Offer

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---

Hi Lori,

Please note that I will be attending your office in the next ten minutes to collect the documents.

See you in a few.

Kind regards,  
Thelma

---

**From:** Ross, Thelma  
**Sent:** 07 February 2019 2:11 PM  
**To:** 'Lori L. Livingston'  
**Cc:** [stephaine.wight@fosters-IGA.com](mailto:stephaine.wight@fosters-IGA.com); [woody.foster@fosters-IGA.com](mailto:woody.foster@fosters-IGA.com)  
**Subject:** RE: Settlement Offer

Hi Lori,

Please see attached letter for your review and further action. I will be leaving the Bank shortly for lunch and I will be available on my cell.

Can you please confirm your office opening hours?

Thanking you in advance!

Kind regards,  
Thelma

---

**From:** Lori L. Livingston [<mailto:Lori.Livingston@britcay.ky>]  
**Sent:** 07 February 2019 1:03 PM  
**To:** Ross, Thelma  
**Cc:** [stephaine.wight@fosters-IGA.com](mailto:stephaine.wight@fosters-IGA.com); [woody.foster@fosters-IGA.com](mailto:woody.foster@fosters-IGA.com)  
**Subject:** RE: Settlement Offer

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---

You are most welcome Thelma,

Our offer was made June 25<sup>th</sup> based upon your June 12<sup>th</sup> 2018 declaration of your treatment being complete, the additional treatment detailed below is just now being bought to our attention.

We await the legal statement of your claim to comply with any additional request.

Best regards,  
Lori

---

**From:** [Thelma.Ross@Butterfieldgroup.com](mailto:Thelma.Ross@Butterfieldgroup.com) [<mailto:Thelma.Ross@Butterfieldgroup.com>]  
**Sent:** Thursday, February 07, 2019 12:47 PM  
**To:** Lori L. Livingston <[Lori.Livingston@britcay.ky](mailto:Lori.Livingston@britcay.ky)>  
**Cc:** [stephaine.wight@fosters-IGA.com](mailto:stephaine.wight@fosters-IGA.com); [woody.foster@fosters-IGA.com](mailto:woody.foster@fosters-IGA.com)  
**Subject:** RE: Settlement Offer

This message originated from outside your organization

---

Good morning Lori,

Many thanks for your email below.

Please note that your first offer was a total of KYD\$953.62 and that offer was made on the 25<sup>th</sup> day of June, 2018 which was less than a month after my fall at Foster, West Bay Road. I had several doctors visits after the said date and even travel overseas to confirm that my breast was not severely damage to a point to getting breast cancer and I now can put my clothes on by myself.

It's now over eight months and my last follow-up doctors visit in Jamaica took placed within the first week of January of this year (I have all relevant documentation regarding the cost of flights and visits). I have clearly stated that I will settled for KYD\$4,453.62 covering my local hospital appointments and my three trips to Jamaica for my doctors' appointments overseas, expenses incur and my pain and suffering for the last months.

I am unable to accept KYD\$2,703.62 as this amount does not cover the expense I incur over the months.

I will attend the court house tomorrow morning to submit my Settlement request for payment in full and I will also seek for payment of all fees incur with this matter, including my Court cost from BritCay.

Please have all documentation in this matter available to me, including offers provided to me and the video footage from Fosters Food Fair IGA available for my collection by 2pm today.

Thanking you in advance!

Kind regards,  
Thelma

---

**From:** Lori L. Livingston [<mailto:Lori.Livingston@britcay.ky>]  
**Sent:** 07 February 2019 11:39 AM  
**To:** Ross, Thelma  
**Cc:** 'stephanie.wight@fostersIGA.com'  
**Subject:** RE: Settlement Offer

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**\*without prejudice\***

Good morning Thelma,

Thanks for your patience whilst your file and email of January 29<sup>th</sup> 2019 was reviewed.

Upon completion of this process, our position on liability remains the same as my email dated June 25<sup>th</sup> 2018 and your counteroffer of CI\$4,453.62 has been declined.

However, in an effort to arrive at an amicable agreement; we are willing to revert with an offer of CI\$2,703.62. This figure being 50% of the difference (\$3,500.00) between our original and your counter offer, plus the original settlement figure.

Please review and advice on your position to accept, I eagerly await your update to proceed.

Best regards,

Lori

**From:** Lori L. Livingston  
**Sent:** Wednesday, February 06, 2019 2:38 PM  
**To:** 'Thelma.Ross@Butterfieldgroup.com' <[Thelma.Ross@Butterfieldgroup.com](mailto:Thelma.Ross@Butterfieldgroup.com)>  
**Cc:** [stephanie.wight@fostersIGA.com](mailto:stephanie.wight@fostersIGA.com)  
**Subject:** RE: Settlement Offer

Good afternoon Thelma,

All is well, thanks!

Yes you have made it clear that you did not retain Ms. Grandage's services, however based on her original conduct email we had been forced to await her confirmation of your declaration.

Having received Mrs. Grandage's email only yesterday, we have been in the process of reviewing your file and your counter offer.

I will advise prior to closing tomorrow, February 7<sup>th</sup> 2019.

Thanks for your email,  
Lori

---

**From:** [Thelma.Ross@Butterfieldgroup.com](mailto:Thelma.Ross@Butterfieldgroup.com) [<mailto:Thelma.Ross@Butterfieldgroup.com>]  
**Sent:** Wednesday, February 06, 2019 2:31 PM  
**To:** Lori L. Livingston <[Lori.Livingston@britcay.ky](mailto:Lori.Livingston@britcay.ky)>  
**Cc:** [stephanie.wight@fostersIGA.com](mailto:stephanie.wight@fostersIGA.com)  
**Subject:** RE: Settlement Offer

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Good Day Ms. Lori,

Trust all is well!

I do believe that I have made it clear that I did not retained Ms. Grandage services in this matter and it was not my intention to take FFF IGA to court if a settlement can be reach prior to me filing any paperwork with the CI Court office.

Please note that I've copied in Mrs. Wight (Manager of FFF IGA); who is aware of my slip-and fall on 29<sup>th</sup> day of May, 2018 and this is only for a matter of proper record keeping. It is my intention to file this matter with the Courts early next week if my Settlement Request in the amount of KYD\$4,453.62 is denied by BritCay.

Today is exactly eight (8) months and eight days since my fall which is around 240 days and my settlement request is little to none for the pain I went through over the months.

As stated below my Settlement Request is valid for seven (7) days commencing on the 1<sup>st</sup> day of February, 2019 and ending tomorrow at 2:48pm Cayman time.

If you have any questions or wish to contact my please call me on 1345 917 8225.

Kind regards,

Thelma Ross

---

**From:** Ross, Thelma  
**Sent:** 05 February 2019 1:23 PM  
**To:** 'Lori L. Livingston'  
**Subject:** RE: Settlement Offer

Good Day Lori,

Many thanks for your email below.

Please note that Ms. Grandage does not represent me for this matter and I have declined a meeting invitation offered to me by her firm.

Kind regards,  
Thelma

**From:** Lori L. Livingston [<mailto:Lori.Livingston@britcay.ky>]  
**Sent:** 05 February 2019 8:36 AM  
**To:** Ross, Thelma  
**Subject:** RE: Settlement Offer

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---

Good morning Thelma,

Apologies for my delay in response as I was out of office.

We are awaiting Kim Grandage's response, post your scheduled meeting to discuss with her.

Regards,  
Lori

**From:** [Thelma.Ross@Butterfieldgroup.com](mailto:Thelma.Ross@Butterfieldgroup.com) [<mailto:Thelma.Ross@Butterfieldgroup.com>]  
**Sent:** Friday, February 01, 2019 3:33 PM  
**To:** Lori L. Livingston <[Lori.Livingston@britcay.ky](mailto:Lori.Livingston@britcay.ky)>  
**Cc:** Lester Purvis <[Lester.Purvis@britcay.ky](mailto:Lester.Purvis@britcay.ky)>  
**Subject:** RE: Settlement Offer

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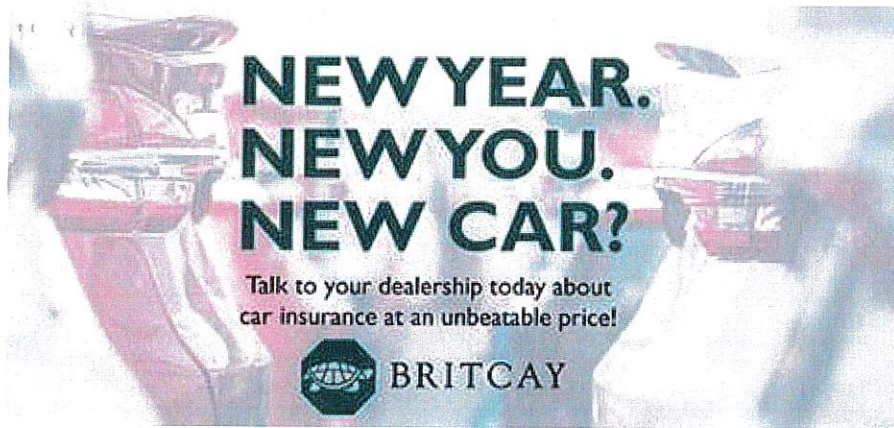
---

Hi Lori,

In addition to the below, please note that I will be reaching out to Ms. Stephanie Foster-White in due course regarding the below and as she had previously requested that I do.

Have a wonderful weekend!

Kind regards,  
Thelma Ross



---

**From:** Ross, Thelma  
**Sent:** 01 February 2019 2:48 PM  
**To:** 'Lori.Livingston@britcay.ky'  
**Cc:** 'lester.purvis@britcay.ky'  
**Subject:** RE: Settlement Offer

Hi Lori,

Trust all is well!

Please note that I was in contact with Mr. David Holland from KSG Attorneys at Law to seek advice on my Foster Food Fair matter (29May18); and Mr. Holland referred me to his colleague Ms. Kim Grandage. I have not met with Ms. Grandage to date and I did not retain their services in this matter. I have clearly stated that I am willing to settle for the sum of KYD\$4,453.62 and I kindly request that this amount be paid out to me in due course for my slip and fall/pain and suffering over the pass months.

Please take this email as a settlement request as I took the below Settlement Offer dated 25Jun18. This Settlement request will be valid for seven (7) days commencing today 1<sup>st</sup> day of February, 2019.

If you have any questions, please let me know via email.

Kind regards,  
Thelma Ross

---

**From:** Ross, Thelma  
**Sent:** 30 January 2019 10:32 AM  
**To:** 'Lori.Livingston@britcay.ky'  
**Subject:** RE: Settlement Offer

Good morning Lori,

Can you please kindly acknowledge receipt of my email below?

Thanking you in advance!

Kind regards,  
Thelma Ross

---

**From:** Ross, Thelma  
**Sent:** 29 January 2019 3:52 PM  
**To:** 'Lori.Livingston@britcay.ky'  
**Subject:** RE: Settlement Offer

Good Day Lori,

Trust you had a wonder Christmas and a bless New Year!

Please note that I have discussed the settlement figure below with my family and my doctor. I am no longer feeling pain under my arm and I can put on my clothes without being helped.

The settlement that I will agree on is KYD\$4,453.62

Can you please discuss the above with your board members and revert soonest?

In addition, can you be so kind and confirm receipt?

Thanking you in advance!

Kind regards,  
Thelma Ross

---

**From:** Lori L. Livingston [<mailto:Lori.Livingston@britcay.ky>]  
**Sent:** 25 June 2018 2:24 PM  
**To:** [thelma.ross@butterfieldgroup.com](mailto:thelma.ross@butterfieldgroup.com)  
**Subject:** Settlement Offer

**External E-mail:**

---

**\*without Prejudice\***

Good afternoon again Thelma,

Thanks for your call earlier.

As per our discussion on June 6<sup>th</sup> 2018, BritCay would be willing to settle your treatment billing at HSA totaling CI\$453.62 and issue a settlement of CI\$500.00 directly to yourself.

If you wish to discuss or request we reconsider your settlement figure, please advise at your earliest convenience.

Best regards,  
Lori



**BRITCAY**

**Lori L. Livingston | Claims Officer**

British Caymanian Insurance Co. Ltd.

Tel. (345) 949-8699 | Dir. (345) 914-9855 | Fax. (345) 949-8411

BritCay House, 236 Eastern Ave | PO Box 74, Grand Cayman, KY1-1102, Cayman Islands

[Lori.Livingston@britcay.ky](mailto:Lori.Livingston@britcay.ky) |

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No. 2

Acknowledgment of Service

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC \_\_\_\_\_ of 20\_\_

Between:

Plaintiff

AND:

Defendant

ACKNOWLEDGMENT OF SERVICE

1 State Defendant's name and address -

2 State whether the Defendant intends to contest the action.

Yes

No

3 If you do not intend to contest the action, do you want time in which to pay the claim?

Yes

No

4 If you do intend to contest the action, in whole or in part, you must set out full particulars of your defence overleaf.

**Service of the Plaintiff is acknowledged accordingly.**

\_\_\_\_\_  
Defendant's Signature

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

See Overleaf

**PARTICULARS OF DEFENCE**

(Here set out in numbered paragraphs the grounds upon which the Defendant says that he is not liable to the Plaintiff, or is not liable for the full amount claimed)

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Defendant's Signature

**REMINDER -** This form must be taken or sent to the Court Office, PO Box 495GT, George Town, Grand Cayman within 14 days of receipt otherwise a default judgment may be entered against you.