

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 33 OF 2019

BETWEEN:

JESSICA HINDSLEY

PLAINTIFF

AND

THE CAYMAN ISLANDS AIRPORT AUTHORITY

DEFENDANT



WRIT OF SUMMONS

**TO: The Cayman Islands Airport Authority
298 Owen Roberts Drive
PO Box 10098
Grand Cayman
KY1-1001**



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 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 2019

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.

This Writ and Statement of Claim is issued by KSG Attorneys at Law whose address for service is 4th Floor, Harbour Centre, 42 North Church Street, George Town, Grand Cayman. P.O. Box 2255 GT, KY1-1107. Hindsley v The Cayman Islands Airport Authority

STATEMENT OF CLAIM

1. The Plaintiff's date of birth is the 11 August 1981 and her address is 1912 Wabash Street, Denver, USA. She is self employed as a dancer, performer, choreographer and waitress.
2. The Defendant was and is at all relevant times the owner/occupier of Owen Roberts International Airport, Grand Cayman, Cayman Islands, to which they invited members of the public to enter for the purposes of air travel.
3. On the 11 March 2016, the Plaintiff was visiting Grand Cayman for the purposes of performing in a corporate event at the Ritz Carlton alongside other performers.
4. The Plaintiff arrived at the aforementioned Airport on flight United 1494 from Houston. At approximately 5.30pm, she had passed through immigration and was crossing the arrivals hall to collect her luggage when she slipped on a puddle of water on the floor next to the luggage carousel.
5. The fall was witnessed by other performers who were travelling on her flight and went to her assistance. Airport security attended a few minutes later and they arranged for a wheelchair and placed a "caution wet floor" sign.
6. The Plaintiff was suffering from pain to her left ankle and she was taken to the Accident and Emergency Department of George Town Hospital by ambulance.
7. The accident and resulting injury were caused by the negligence of the Defendant, its employees, servants or agent, or both.
8. Particulars of Negligence
 - (a) Failing to take any or any reasonable care to see that the Plaintiff would be reasonably safe in using the premises;
 - (b) Causing or permitting the floor to be or to become or to remain a danger and a trap to persons lawfully using the same;
 - (c) Causing or permitting the water to be present upon the floor;
 - (d) Failing adequately or at all to clean or clear the floor of the water;
 - (e) Failing to institute or enforce any or any adequate system for the inspection and cleaning of the floor;
 - (f) Failing to give the Plaintiff any or any adequate or effective warning of the presence of the water;

- (g) Permitting the Plaintiff to walk in the area when they knew or ought to have known that it was unsafe and dangerous for her to do so.

The Plaintiff will rely on the fact of the presence of the water on the floor as proving negligence unless the Defendants prove how the water could have remained on the floor without negligence.

9. As a result of the Defendant's negligence, the Plaintiff has suffered personal injuries, loss and damage.

Particulars of Personal Injury

10. The Plaintiff attended at George Town Hospital where she underwent X-ray and her ankle was iced. She was provided with an ankle support, crutches and pain relieving medication.
11. She was unable to take part in the performance in Grand Cayman.
12. She attended with a primary physician with continued pain after she had returned to the United States. Prior to the accident she had a known left tarsal coalition, but this had not impacted her on a day to day basis.
13. She was referred for Orthopedic review due to the limitation on her activities.
14. In 2017 and 2018, she underwent X-rays and subsequently an MRI scan which confirmed mild scarring of her anterior talofibular and calcaneofibular ligaments from remote mild to moderate grade sprain injuries.
15. She was offered injection to assist the pain and advised she may require surgery on her ankle to fuse the joint.
16. She attended with Romano Orthopaedic Center, who provided her a boot and subsequently orthotics with supportive shoes.
17. She was advised to wait until she was no longer able to dance as any operation would likely end this aspect of her career.
18. She was recommended cortisone injections for pain relief in the short term
19. She continues to suffer pain on a regular basis and is limited in her ability to walk for long periods.
20. The injury has had a large impact on her ability to work as a musical theatre performer/choreographer and waitress.

Particulars of Loss and Damage

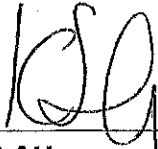
21. The Plaintiff's particulars of special damage will be forwarded in due course by way of a Schedule of Loss including but not limited to claims for cost of medical treatment, past and future loss of earnings, loss of congenial employment and care.

Statement as to Interest

22. The Plaintiff will claim interest pursuant to section 34 of the Judicature Law (2017 Revision) at half the rate as prescribed under the Judgment Debts (Rates of Interest) Rules (as amended) from the 11th March 2016 to Trial.

AND THE PLAINTIFF claims:

1. General and Special Damages
2. Interest in accordance with the Judicature Law (2017 Revision)
3. Costs



KSG Attorneys-at-Law
Attorneys for the Plaintiff

**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 495, 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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DEFENDANT

**ACKNOWLEDGMENT OF SERVICE
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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
4th 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.