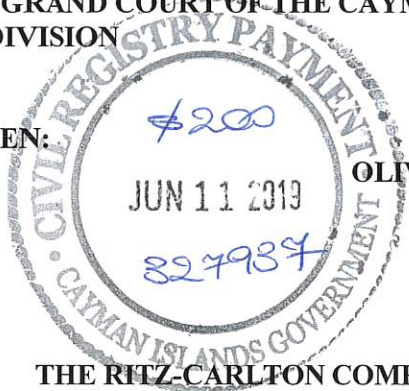


IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

BETWEEN:



OLIVER MARK BROWN



CAUSE NO: 96 OF 2019

Plaintiff

v

THE RITZ-CARLTON COMPANY OF THE CAYMAN ISLANDS LIMITED

Defendant

WRIT OF SUMMONS

TO: THE RITZ-CARLTON COMPANY OF THE CAYMAN ISLANDS LIMITED
PO Box 32348,
Seven Mile Beach
Grand Cayman, KY1-1209
Cayman Islands



THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of the care of his attorneys, McGrath Tonner, P.O. Box 446, George Town, Grand Cayman KY1-1106, Cayman Islands, in respect of the claim set out on the next page, and the attached Statement of Claim.

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 495, 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 11th day of June 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.

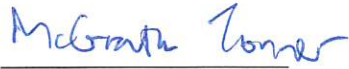
IMPORTANT

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

1. The following is a concise statement of the nature of the claim in the action herein, pursuant to GCR O.6 r.1. The Plaintiff hereby provides its intention to file and serve a further, detailed, Statement of Claim and Schedule of Damages setting out more fully the particulars of the claim herein on a later date.
2. At all material times the Plaintiff was resident in the United Kingdom, and a regular visitor to the Cayman Islands. The Defendant is a company owning and operating the Ritz-Carlton hotel in Seven Mile Beach in Grand Cayman ("the Hotel").
3. The Plaintiff stayed at the Hotel on occasions prior to 2016, and had given express notice to the Defendant of his severe allergy to shellfish on prior occasions, as well as prior to all material times in the present case. The Plaintiff had a pre-existing condition, requiring surgery to remove his colon in around 2014, of which the Defendant was, at all material times, aware.
4. On the 12th June 2016 the Plaintiff was staying as a guest at the Hotel. He attended the Sunday brunch at the Seven restaurant, located in the premises of the Hotel, and owned and operated by the Defendant. Upon approaching the buffet counter containing the food, the Plaintiff enquired with an employee, agent, or representative of the Defendant whether certain items contained, or were prepared in the vicinity of, shellfish, reiterating that he is allergic to the same. He was advised that certain items did not contain shellfish, and proceeded to select them.
5. The food selected and consumed by the Plaintiff caused a severe allergic reaction, resulting in the Plaintiff becoming ill. He was not assisted by staff employed by the Defendant, adequately, or at all, in relation to his request for medical attention, resulting in emergency assistance being offered by his Miami-based physician, and an emergency prescription being sent to a pharmacy in the Cayman Islands to provide treatment. The Plaintiff required medical treatment and endured pain, suffering and loss of amenity as a result of the negligence of the Defendant, its employee, agent or representative.
6. The Plaintiff lost the enjoyment of his vacation and required medical assistance in Miami on 17th June 2016, and on subsequent occasions as a result of the negligence of the Defendant, its employee, agent or representative. Additionally he took time from work and lost income as a result of the treatment required.
7. The Plaintiff claims general damages in respect of pain, suffering and loss of amenity, and special damages in respect of lost earnings, medical treatment, and lost enjoyment of holiday, and all additional and incidental expenses associated with the same.
8. The Plaintiff claims interest on all sums pursuant to Section 34. Judicature Law (2017 Revision), at such rate as the court deems just, and his legal costs.
9. A detailed Schedule of Loss will follow with the Statement of Claim.

AND THE PLAINTIFF claims:

1. General Damages;
2. Special Damages;
3. Interest pursuant to Section 34 Judicature Law (2017 Revision)
4. Costs



McGrath Tonner
Attorneys for the Plaintiff

This Writ of Summons was 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, Cayman Islands

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 2019

BETWEEN:

OLIVER MARK BROWN

Plaintiff

V

THE RITZ-CARLTON COMPANY OF THE CAYMAN ISLANDS LIMITED

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 KY1-1106
CAYMAN ISLANDS

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]