



IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: GC 176 OF 2019

BETWEEN:

\$200

ZENA ROCHESTER

PLAINTIFF

AND:

OCT 17 2019

336921

GRACE CHRISTIAN ACADEMY

DEFENDANT



WRIT OF SUMMONS

TO: Grace Christian Academy
c/o Ogier Global (Cayman) Limited
89 Nexus Way
Camana Bay
Grand Cayman KY1-9009
Cayman Islands



THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of 22 Invicta Drive, West Bay, 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 17th day of October 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.

STATEMENT OF CLAIM

1. The Plaintiff's date of birth is the 28th May 1956 and her address is 22 Invicta Drive, West Bay, Grand Cayman.
2. At all material times, the Defendant were the owners and occupiers of premises known as Grace Christian Academy, a school situated at 21 Crescent Close, West Bay, Grand Cayman which was attended by the Plaintiff's grandson. At all material times, the Plaintiff was a lawful visitor to the premises.
3. On the 2nd April 2017 the Plaintiff attended the school at approximately 3:35pm to collect her grandson. She parked her vehicle and proceeded to walk towards the school's second entrance gate when she tripped on a lip where the cement path joins the gravel just before the school gate. She fell forward onto the fence which gave way beneath her and she fell to the ground landing on her left knee.
4. The accident and resulting injury were caused by the negligence of the Defendant, its employees, servants or agents or both in that they:
 - (a) caused or permitted the school entrance to become or remain a danger or trap to persons walking within the property;
 - (b) failed to maintain or repair the said area of the school and left the same in a condition which was dangerous to pedestrians;
 - (c) failed to warn the Plaintiff of the presence and position of the said concrete lip 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) failed to institute or enforce any adequate system of inspection or maintenance of the said area;
 - (f) failed to take any or any adequate care for the safety of the Plaintiff;
 - (g) failing to take any or any reasonable care to prevent injury or damage to the Plaintiff;
 - (h) exposing the Plaintiff to a risk of injury of which they knew or ought to have known.
5. By reason of the aforesaid, the Plaintiff has suffered personal injury, loss and damage.

Particulars of Injury

6. The Plaintiff was taken to the Accident and Emergency Department of George Town Hospital by ambulance suffering with injury to her left knee, hands, neck and face.
7. She underwent x-rays of her knee and hands and a CT scan of her cervical spine. She was diagnosed as having sustained a comminuted fracture of the patella, neck sprain and multiple lacerations and bruising. She was placed on an IV and given pain medication.
8. She remained in hospital and underwent surgery on her left knee the following day.
9. She was discharged two days later with a knee brace and remained on crutches for 6 weeks.
10. She underwent physiotherapy at George Town Hospital for 5 months. Upon discharge, she was advised on exercises to do at home.
11. She was under the care of Dr Pekko at George Town Hospital and has been advised she may require a knee replacement.
12. The Plaintiff still suffers ongoing discomfort in her knee especially when she has been particularly active. She suffers many restrictions and has difficulty getting up from a sitting position, climbing stairs and walking any sort of distance.
13. She also suffers continued problems with nerve pain in her hands and arms and occasional stiffness in her neck and back.
14. Further particulars of the Plaintiff's injury and treatment will be provided at a later date by way of a schedule of damages.

Particulars of Special Damages

15. The Plaintiff's particulars of special damage will be supplied at a later date by way of a schedule of damages including but not limited to claims for cost of medication, loss of earnings, travel and gratuitous care.

Statement as to Interest

16. 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 2nd April 2017 to the date of judgment.

AND THE PLAINTIFF CLAIMS:

1. General Damages;
2. Special Damages;
3. Interest in accordance with the Judicature Law (2017 Revision);
4. Costs;
5. Such further or other relief that this Honourable Court deems just.

KSG

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 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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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
4th Floor Harbour Centre
42 North Church Street
PO Box 2255
George Town
KY1-1107
Grand Cayman

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]