



ND COURT OF THE CAYMAN ISLANDS

**CAUSE NO: OF 2022
LACV0098/2019**

BETWEEN:

DENIA WALKER

PLAINTIFF

AND:

SUSSEX HOUSE HOLDINGS LTD

DEFENDANT

WRIT OF SUMMONS

TO: SUSSEX HOUSE HOLDINGS LTD, Lainston International Management Ltd, PO Box 31298, Sussex House, Elgin Avenue, George Town, Grand Cayman, KY1-1206.

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff, of 5 Forrest Lane, George Town, Grand Cayman in respect of the claims set out on the next page.

Within 14 days after service of this Writ on you counting the day of service, you must either satisfy the claim or return to the Courts Office, P.O. Box 495, George Town, Grand Cayman, KY1-1106, Cayman Islands the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein any intention to contest the proceedings, the Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 15th day of June 2022.

NOTE this Writ may not be served later than 4 calendar months beginning with the date of original issuance unless renewed by order of the Court

IMPORTANT

Directions for the Acknowledgement of service are given with the accompanying form.

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

IN THE GRAND COURT OF THE CAYMAN ISLANDS

**CAUSE NO: OF 2022
LACV0098/2019**

BETWEEN:

DENIA WALKER

PLAINTIFF

AND:

SUSSEX HOUSE HOLDING LTD

DEFENDANT

STATEMENT OF CLAIM

1. At all material times the Plaintiff was an individual resident in the Cayman Islands.
2. At all material times the Defendant was a resident Cayman Islands company, registration number 335371.
3. On 20 June 2019 the Plaintiff fell down the stairs (the "**Accident**") at Sussex House, 128 Elgin Avenue, George Town, Grand Cayman, Cayman Islands (the "**Sussex House**"). The common areas of this building, including the stairs, are the responsibility of the Defendant.
4. As at 20 June 2019 the Plaintiff was employed as a courier. In the course of her employment she attended Sussex House. As she was leaving Sussex House, descending from the second floor to the first floor (one flight above ground level), she slipped over due to the tiled flooring being slippery and/or wet and fell down a flight of stairs.
5. A police officer was at Sussex House at the time and assisted the Plaintiff and called an ambulance. The Plaintiff experienced extreme pain and was unable to stand. The police officer instructed the Plaintiff to remain where she had fallen, which she did. The Plaintiff was removed from Sussex House on a stretcher by paramedics and taken to George Town Hospital by an ambulance. The Plaintiff experienced severe

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

pain primarily down her left hand side. X-Rays were taken of her left hip, shoulder and ribs, as well as her back.

6. The Plaintiff presented at the hospital as tender over the left shoulder and clavicle. There was no obvious fracture or dislocation and the soft tissue appeared unremarkable but further evaluation was recommended if the symptoms persisted. The Plaintiff was discharged with pain medication.
7. The Plaintiff returned to George Town Hospital on 22 June 2019 with persisting symptoms, particularly pain on the left shoulder down to the hip. She was tender in her left shoulder and had some pain on range of movement. She had a tender bruise to her left thigh and left leg. The Plaintiff was assessed as having soft tissue injuries, given a sick note to take time off work and prescribed pain medication.
8. The Plaintiff's pain continued and she was unable to work for approximately one month due to the severity of the pain down the left side of her body. She was unable to work and unable to drive without severe pain.
9. The Plaintiff attended George Town Hospital again on 17 July 2019 and was prescribed further medication. On or around November 2021 the Plaintiff attended Health City for treatment for ongoing symptoms caused by the Accident and was referred for physical therapy.
10. The accident and resulting injuries were caused by the negligence of the defendant, its employees, servants, agents or both.

Particulars of negligence

11. The Defendant was negligent in that it:
 - (a) failed to take any, or any reasonable, care to see that the Plaintiff would be reasonably safe in using the premises as a visitor/customer;
 - (b) caused or permitted the floor to be slippery, either by:
 - (i) failing to ensure there were appropriate floor tiles;
 - (ii) failing to lay a non-slip surface by the stairs; and/or
 - (iii) permitting the floor to be wet.
 - (c) failed to institute or enforce any, or any adequate, system for the inspection and/or cleaning of the floor;
 - (d) permitting the Plaintiff to walk in an areas which they knew, or ought to have known, was unsafe and/or dangerous for her to do so.

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

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

Particulars of General Damage/Injury

13. The Plaintiff's date of birth is 22 September 1978 and she is currently 43 years old.
14. Immediately following the Accident, the Plaintiff was taken to George Town Hospital by ambulance. The Plaintiff was immediately treated for her injuries and underwent examination and testing.
15. The Plaintiff has suffered soft tissue damage to the left side of her body and is in continuing pain. She requires physical therapy.
16. The Plaintiff's injuries and treatment are ongoing. Further particulars of the Plaintiff's injuries will be provided prior to trial.
17. In addition to pain, suffering and loss of amenity, the Plaintiff also pursues claims for past and future care and medical treatment, future loss of income, equipment and future travel.

Particulars of Special Damage

18. The Plaintiff suffered soft tissue damage to her left side as a result of the Accident caused by the negligence of the Defendant. The Plaintiff will claim special damages for past and future loss of earnings and pension as a result of time taken off work, past and future medical expenses and past and future care and expenses.
19. The full particulars of special damages will be provided in advance of trial.
20. The Plaintiff claims interest pursuant to section 34 of the Judicature Act (2021 Revision) on the amount found to be due to the Plaintiff at such rate and for such periods as the Court thinks fit.

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

AND THE PLAINTIFF CLAIMS

1. General and Special Damages
2. Pre-Judgment interest upon the general and special damages with effect from 20 June 2019 to the date of trial at the rate of 2^{3/8} % per annum or at such other rate then prevailing and/or determined by the Court in accordance with s.34 of the Judicature Law (2007 Revision) as amended from time to time and the Judgment Debts (Rates of Interest) Rules 2012 as amended from time to time
3. Post-Judgment interest upon the principal amount of the Judgment with effect from the date of service of Judgment at the rate of 2^{3/8} % per annum and/or such other rate then prevailing and/or determined by the Court in accordance with s.34 of the Judicature Act (2021 Revision) and the Judgment Debts (Rates of Interest) Rules (2021 Revision), as amended from time to time
4. Costs
5. Such further or other relief as this Honourable Court deems just.

DATED at Grand Cayman this 15th day of June 2022



Attorneys for the Plaintiff

THIS WRIT OF SUMMONS AND STATEMENT OF CLAIM is issued by KSG Attorneys-at-Law, for the Plaintiff, whose address for service is that of 4th Floor, Harbour Centre, 42 North Church Street, George Town, Grand Cayman. PO Box 2255 GT, KY1-1201.

TO: The Clerk of the Grand Court
AND TO: The Defendant

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

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: OF 2022
LACV0098/2019

BETWEEN:

DENIA WALKER

PLAINTIFF

AND:

SUSSEX HOUSE HOLDINGS LTD

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 intend 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 the Defendant
Address for service:

Please complete overleaf

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

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

KSG
Attorneys at Law
PO Box 2255
4th Floor, Harbour Centre
42 North Church Street
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.

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

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

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

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.

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