



COURT OF THE CAYMAN ISLANDS

Cause No. of 2023
& LACV0178/2022

BETWEEN:

CARMALEE VIRGINIA WATSON

Plaintiff

AND

**(1) HEALTH CITY CAYMAN ISLANDS LIMITED
(2) DR DEEPAK VARMA
(3) DR LAXMAN KUMAR MAHASETH**

Defendants

WRIT OF SUMMONS

TO: Health City Cayman Islands Limited
c/o (registered address) Appleby Global Services (Cayman) Limited
PO Box 500
71 Fort Street
George Town
Grand Cayman KY1-1106
Cayman Islands

AND TO:

Dr Deepak Varma
c/o Health City Hospital
1283 Sea View Road
Nr High Rock
East End
Grand Cayman
Cayman Islands

AND TO:

Dr Laxman Kumar Mahaseth
c/o Health City Hospital
1283 Sea View Road
Nr High Rock
East End
Grand Cayman
Cayman Islands

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 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 day of December 2023

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.

GENERAL INDORSEMENT

The Plaintiff (also known as Carmalee Virginia Watson-Henningham) was at the material times a patient at Health City Hospital owned and or operated by the first Defendant company.

The Plaintiff was at the material times under the clinical care of the second and or third Defendants as medical practitioners and the servants or agents of the first Defendant company and in respect of whom the first Defendant company is vicariously liable. The second and third Defendants are alternatively sued in their own right as medical practitioners.

As a patient the Plaintiff was owed a duty of care by the Defendants.

The Plaintiff's claim is for:

- a. Damages and loss including pain, suffering, and loss of amenity and out of pocket expenses arising out of clinical negligence and or a breach of duty in connection with a surgical procedure carried out by the second and third Defendants on or about 6th January 2021.
- b. The Plaintiff further contends there was a failure to diagnose properly or at all and or a failure to inform properly or at all and or a failure to seek informed consent and or a failure to treat the patient properly or at all in connection with the said surgical procedure.
- c. Interest pursuant to s.34 of the Judicature Act (2021 Revision) and the Grand Court Rules at such rate and for such time as the Court may deem fit.
- d. Costs.

Dated: 20th December 2023

McGrath Tonner

McGrath Tonner

Attorneys for the Plaintiff

To: The Clerk of the Court

And to: The first and second and third Defendants

Acknowledgement of Service of Writ of Summons (0.12, r.3)DIRECTIONS FOR ACKNOWLEDGEMENT 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 the Defendant.
3. Where the Defendant is sued in a name different from the Defendant's own, the form must be completed by the Defendant 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 that Partner's name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN THAT PERSON'S OWN, the form must be completed by the Defendant with the addition in paragraph 1 of the description "trading as (.....)" after that Defendant's 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.

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, the Defendant must give his post office box number and the physical address of the Defendant’s residence or, if the Defendant does not reside in the Cayman Islands, the Defendant must give an address in Grand Cayman where communications for the Defendant 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 that Plaintiff's name, address and reference, if any, in the box below.

**McGrath Tonner
Attorneys at Law
5th Floor, Genesis Building
Genesis Close
George Town
PO Box 446
Grand Cayman KY1-1106
Cayman Islands
Ref. 15551-001 PJ**

Indorsement by defendant's Attorney (or by defendant if suing in person) of that defendant's name, address and reference, if any, in the box below.