



D COURT OF THE CAYMAN ISLANDS

CAUSE NO. G OF 2024

BETWEEN: ALPHANSO GAYLE

PLAINTIFF

**AND: ATTORNEY GENERAL OF THE CAYMAN ISLANDS
 CHIEF OFFICER, MINISTRY OF EDUCATION
 CAYMAN ISLANDS GOVERNMENT**

DEFENDANTS

Writ of Summons

**To: ATTORNEY GENERAL OF THE CAYMAN ISLANDS
 c/o Solicitor General
 Grand Cayman, Cayman Islands**

And to: Chief Officer
 Ministry of Education
 Government Administration Bldg.
 Elgin Avenue
 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 495G, George Town, Grand Cayman, 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 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 23rd day of February, 2024.

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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

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CAYMAN ISLANDS GOVERNMENT**

DEFENDANTS

STATEMENT OF CLAIM

1. The Plaintiff is an Assistant Teacher and was employed by the Cayman Islands government at the Creek and Spott Bay Junior School at all material times.
2. The Defendants are respectively the legal representative of the Cayman Islands Government and the Chief Officer responsible for all government educational institutions within the Cayman Islands.
3. The Plaintiff claims for damages and personal injuries caused by the Cayman Islands Government officers'/employees' actions and negligence on the 25th day of February, 2021.
4. Said injury occurred while the Plaintiff was performing his duties at the Creek & Spot Bay Junior School in Cayman Brac, Cayman Islands. While ushering students from the classroom, a student who required special assistance and supervision lunged towards him during an altercation with the class teacher and slammed the door on the Plaintiff's hand severely injuring his fingers.
5. The Defendants failed in their duty to provide adequate protection for the Plaintiff in all the circumstances when providing education for a child who was known or should have been known to be violent and is believed to be suffering from a medical/psychological condition that would cause outbursts and possibly harm teachers, students or other school staff.
6. The Defendants failed in their duty to provide adequate staffing and failed in their duty to provide proper and/or adequate supervision of the said child and to provide a safe working environment.

Injuries and Loss

7. The Plaintiff suffered a crush injury to his right hand and particularly a comminuted fracture of the distal phalanx of the second finger with associated soft tissue swelling, infection, pain and misery.
8. As a result the Plaintiff now has limited use of the finger/hand due to inflexibility, lack of sensation, weakness, numbness, tingling and pain. This has affected his ability to do and/or the length of time it takes to do his work and has also affected his social life and all aspects of his life.
9. Despite the passage of time the finger continues to pain severely, and other fingers of the hand have begun to pain and cause similar problems. This has caused the Plaintiff reduced use of his hand, loss of amenity, pain and suffering.

AND THE PLAINTIFF claims:

1. General Damages for injury, pain and suffering, loss of amenity.
2. Future medical costs.
3. Interest in accordance with the Judicature Law
4. Costs.
5. Such further and other relief as the Court deems just.

McKinney Reid & Company

McKinney Reid & Company
Attorneys for the Plaintiff

This Writ and Statement of Claim are issued by McKinney Reid & Company, Attorneys at Law for the Plaintiff whose address for service is 10 Candover Street, P.O. Box 559, Grand Cayman, Cayman Islands, KY1-1107, email: kevaareid@gmail.com, Tel 345 9172768. Call for face to face service due to Covid precautions.

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 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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DEFENDANTS

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

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.

MCKINNEY Reid & Company
Attorneys at Law
Suite 2
10 Candover Street
P.O. Box 559
Grand Cayman
KY1-1107
Email: kevaereid@gmail.com

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

