

STATEMENT OF CLAIM

1 The First Plaintiff is the mother of the Second Plaintiff, a minor, who is a student at the John Grey High School. At the material time the First and the Second Plaintiffs were at the Smith's Cove which is a public beach located in George Town Grand Cayman. At the material time the First Plaintiff was on the beach and the Second Plaintiff was swimming offshore. Both the First and the Second Plaintiffs reside in the Cayman Islands.

2 The Defendant is an individual who resides in George Town Grand Cayman and at the material time he was the owner of and/or in possession of and/or in control of a dog which caused injury to the First Plaintiff. At the material time the Defendant was swimming in the Smith Cove area, offshore, with the dog which caused injury to the Second Plaintiff.

3 On Sunday 15th June, 1998 at approximately 2pm, the Plaintiffs were on the public beach known as "Smith's Cove" for recreation. At the material time the Second Plaintiff was actually swimming in the ocean and the First Plaintiff was on the beach. At that time the Defendant was also swimming in the Ocean off Smith's Cove and he had in his possession and/or control a "ferocious dog" which caused injury to the Second Plaintiff.

4 Suddenly and without any warning the said dog attacked the First Plaintiff whilst he was still swimming in the ocean. The Defendant did nothing to assist the First Plaintiff who became very distressed and upset during the attack. This was despite the fact that the Defendant was in the ocean swimming alongside of the said dog during its attack. As a result of the Defendant's negligence the dog caused injury to the First Plaintiff and pain and suffering to the Second Plaintiff:

PARTICULARS OF NEGLIGENCE

The Defendant was negligent in that he

- (a) took and/or had in his possession and/or control a dog, which he knew or ought to have known was a danger to the public, in a recreational area;
- (b) having in his control and/or possession a ferocious dog in a public recreational area, on a day and at a time when he knew or ought to have known that adults and children, unfamiliar to the said dog, would congregate there;
- (c) Having taken the said dog and/or having the said dog in his possession and/or control in a public recreational area, he omitted to have the dog leashed;
- (d) Having the said dog in his possession and/or control he failed to exercise proper control over the said dog.
- (e) Failing to take any or any adequate precautions to ensure the safety of the First Plaintiff

- (f) Exposing the First Plaintiff to a risk of damage or injury of which the Defendant knew or ought to have known;
- (g) Failing to pay any or any sufficient heed to the attack by the said dog on the First Plaintiff;
- (h) Failing to take any or any adequate steps to safeguard the First Plaintiff from the said dog;
- (i) In the circumstances taking a ferocious and dangerous dog to a public beach and thereby creating a dangerous and unsafe environment which danger and unsafety the Defendant knew or ought to have known.
- (j) Failure to take any or any adequate precautions to ensure the safety of the public from the said dog which he had in his possession and/or control.
- (k) Failure to give any or any adequate warning to the Plaintiff that the dog was dangerous and/or ferocious;
- (l) Failure to control the said dog so as to avoid causing the First Plaintiff injury;

PARTICULARS OF INJURY

- (a) Extensive major lacerations (6) to the forehead and scalp which lacerations took 56 stitches;
- (b) Trauma and stress as a result of the said attack
- (c) The First Plaintiff was unable to attend school for some time due to his injuries and as a result had to repeat his grade.
- (d) Pain and shock resulting in frequent nightmares relating to the attack
- (e) Severe headaches as a result of the attack,
- (f) There is continuing pain and instability in the First Plaintiffs head which is likely to be permanent and he will need to undergo plastic surgery in the future to minimise the scars left as a result of the injuries suffered during the attack.

5 The First Plaintiff as a result of his injuries was unable to attend School for approximately 6 weeks and as a result his performance suffered and he had to repeat his grade and he thereby suffered loss, embarrassment and damage.

6 By reason of the First Plaintiff's injuries and the negligence of and the breach of duty of the Defendant in providing an unsafe, hazardous and dangerous environment, the First Plaintiff has been seriously and permanently injured and has thereby been put to extreme expense and has suffered loss and damage.

PARTICULARS OF SPECIAL DAMAGE

(a) Medical Expenses at the Cayman Islands Health Services Department to 29th April, 1999 (continuing) CI\$2,076.05

(b)

AND THE PLAINTIFFS CLAIM:

- (1) Damages
- (2) Statutory Interest
- (3) Costs

Dated this 6th day of March, 2001.

Brooks - Brooks
BROOKS & BROOKS
Attorneys At Law for the Plaintiffs

To: The Clerk of the Courts

And To: The Defendant
c/o National Concrete
George Town
GRAND CAYMAN

STATEMENT REGARDING INTEREST

- (i) The prescribed rates of interest during the relevant period, were 7 3/8% per annum until 31st January, 1998, 7 7/8% thereafter until 31st December, 1998 and 7% since 1st January, 1999.
- (ii) The date from which interest is calculated is various dates between 15th June, 1998 and the date of issue of this Writ.

THIS WRIT OF SUMMONS was filed by Brooks & Brooks Attorneys At Law for and on behalf of the Plaintiffs herein whose address for future service of process is that of their said Attorneys At Law One, Artillery Court , P O Box 1355GT GRAND CAYMAN

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 127 of 2001

BETWEEN: DENISE DACRES
SHANE WILLIAM CONOLLY (A Minor) **PLAINTIFFS**

AND; MARLON BUNTING **DEFENDANT**

**ACKNOWLEDGEMENT 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 judgement 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
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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 judgement entered by the Plaintiff(Please tick box)

Yes	No
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Service of Writ is acknowledged accordingly

Signed _____

Please complete oveleaf

(Attorney) for

(Defendant in Person)

Address for service:

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 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 the Plaintiff's Attorney (or by the plaintiff if suing in person) of his name, address and residence, if any in the box below

**Brooks & Brooks
Attorneys At Law
P O Box 1355 GT
GRAND CAYMAN**

(One, Artillery Court, George Town, Grand Cayman)

Indorsement by the defendant's attorney (or by the defendant if suing in person) of his name, address and residence, if any in the box below