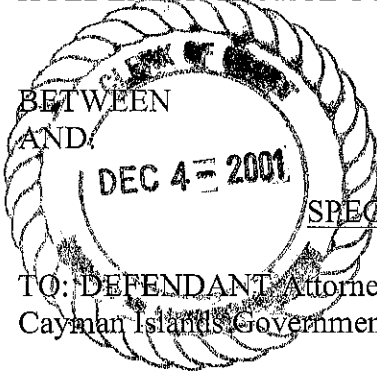


Writ of Summons (O.6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLAND
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. *750* OF 2001



BETWEEN
AND

MR. DAVID GARFIELD
ATTORNEY GENERAL

PLAINTIFF
DEFENDANT

SPECIALLY ENDORSED WRIT OF SUMMONS

TO: DEFENDANT Attorney General c/o Mr. Alan Godley, Human Resources Manager,
Cayman Islands Government, George Town, Grand Cayman, Cayman Island.



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 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 *4* day of *Dec* 2001

NOTE - This Writ may not be served later than 4 calendar 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 was employed by the Caymans Islands Government in the Health Service Ambulance Department as a Paramedic Instructor which job title has since changed to Emergency Medical Services Training Manager.
2. At all material times the Defendant in light of the Cayman Islands Government has a duty to provide a safe place of work and equipment for its employees who are employed at and provide services for the purposes of George Town Hospital (the "hospital").
3. On or about the 14 April 1999 the Plaintiff and another officer whilst performing their duties at the West Bay Clinic were putting a patient who was on a stretcher into the back of an ambulance. Whilst the Plaintiff was stepping out of the back of the ambulance the Plaintiff was caused to slip on a damaged rear step which was located at the rear of an ambulance.
4. That following the accident the Plaintiff was provided with certain medical advice by the Defendant, its servants or agents as to the cause of his injury, pain and suffering which advice later proved to be incorrect and delayed the timely treatment of his injury
5. The Plaintiff has suffered personal injury as a result of the negligence and/or breach of statutory duty of the Defendant, its servants or agents to provide safe equipment for use by its employees and advice.

PARTICULARS OF NEGLIGENCE

- a) Negligently and/or in breach of the Labour Law, failing to ensure so far as reasonably practicable the health, safety and welfare at work of its employees.
 - b) Failure to provide safe equipment for use by its employees.
 - c) Negligently and/or in breach of the Labour Law failure to maintain the equipment so as to be safe for use by all employees.
 - d) Failure to destroy, to replace or otherwise take out of circulation for use the said the equipment, namely the ambulance, or to change the step to the rear of the ambulance, in a timely manner.
 - e) Failure to properly advise the Plaintiff as to the nature and extent of his injury.
 - f) In the premises failure to take reasonable care for the Plaintiff's health, safety and welfare at work.
6. By reason of the matters aforesaid, the Plaintiff has suffered personal injury, loss and damage as a result of the negligence and/or breach of statutory duty of the Defendant, its servants or agents to provide a safe place and system of work for the Plaintiff.

PARTICULARS OF INJURIES

- a. The Plaintiff's date of birth is 28 January 1960. Following the accident on 14 April 1999, the Plaintiff sustained a blow to the back of his head which resulted in him bleeding from the point of impact and suffered an injury to his ankle for which he has undergone surgical intervention to his ankle in or about April 2001.
- b. That following the operation the Plaintiff has unable to work consistently, if at all.

- c. That as a result of the accident the Plaintiff has suffered from post traumatic stress.
7. As a result of the accident the Plaintiff has been prevented from pursuing his career. It has taken him nearly 6 years to train for the position that he presently occupies and may not be able to work in the ambulance service again.
8. As a result of the Defendant's said negligence and/or breach of statutory duty the Plaintiff has suffered loss and damage.

AND the Plaintiff claims

- (i) Damages
- (ii) Further, pursuant to The Judicature Law (1995 Revision), the Defendant is entitled to and claims interest on such sums as are found to be due at such rate and for such period as the Court shall think fit.
- (iii) Costs



WOODWARD TERRY & COMPANY

THIS WRIT was issued by Clyde H. Allen whose address for service is Woodward Terry & Company, Attorneys-At-Law PO Box 822 GT, West Wind Building, Harbour Drive and Fort Street, Grand Cayman, Cayman Islands, BWI.

IN THE GRAND COURT OF THE CAYMAN ISLAND
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. ⁷⁵⁴ OF 2001

BETWEEN MR. DAVID GARFIELD PLAINTIFF
AND: ATTORNEY GENERAL 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 a 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

Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

Address for service: (please see overleaf)

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.

C. H. Allen
Woodward Terry & Company
Attorneys-At-Law
PO Box 822 GT
West Wind Building
Harbour Drive and Fort Street
Grand Cayman
Cayman Islands

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