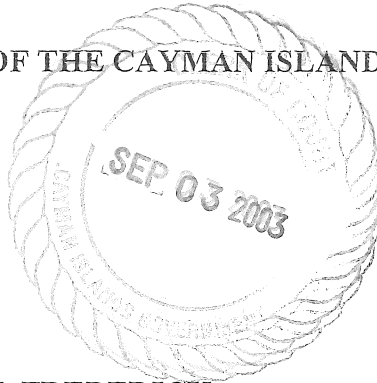


IN THE GRAND COURT OF THE CAYMAN ISLANDS



584
CAUSE NO. OF 2003



BETWEEN: HAZEL FREDERICK

PLAINTIFF

AND: DR. SURENDRAN GNANAVOLIVU

FIRST DEFENDANT

AND: DR. BRYAN HEAP

SECOND DEFENDANT

AND: CAYMAN ISLANDS HEALTH
SERVICES DEPARTMENT

THIRD DEFENDANT

AND: CAYMAN ISLANDS HEALTH
SERVICES AUTHORITY

FOURTH DEFENDANT

AND: ATTORNEY GENERAL

FIFTH DEFENDANT

WRIT OF SUMMONS

TO: DR. SURENDRAN GNANAVOLIVU
C/O GEORGE TOWN HOSPITAL
GEORGE TOWN, GRAND CAYMAN

AND: DR. BRYAN HEAP
C/O GEORGE TOWN HOSPITAL
GEORGE TOWN, GRAND CAYMAN

AND TO: CAYMAN ISLANDS HEALTH SERVICES
P.O. BOX 915GT
CAYMAN ISLANDS HOSPITAL COMPLEX

AND TO: CAYMAN ISLANDS HEALTH SERVICE AUTHORITY
P.O. BOX 915GT
CAYMAN ISLANDS HOSPITAL COMPLEX

AND TO: THE ATTORNEY GENERAL
GOVERNMENT ADMINISTRATION BUILDING
GEORGE TOWN, GRAND CAYMAN

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 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 G.T., 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 Acknowledgement 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 2003.

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 Acknowledgement of Service are given with the accompanying form.

INDORSEMENT

The Plaintiff's claim is for medical negligence, personal injury, loss and damage sustained by the Plaintiff after undergoing surgical procedures at the George Town Hospital as a result of the negligence of the First, Second and Third Defendants in that they each failed in their duty of care towards the Plaintiff. And claims against the Fourth Defendant as successor of the Third Defendant and against the Fifth Defendant by reason of the provisions under the Crown Proceedings Law.

AND THE PLAINTIFF CLAIMS FROM THE DEFENDANTS

- a. Special Damages which are continuing and presently not estimated.
- b. General Damages
- c. Pre-judgment interest in accordance with Section 34 of the Judicature Law (1995 Revision)
- d. Post-judgment interest in accordance with Section 34 of the Judicature Law (1995 Revision)
- e. Such Further and other relief.
- f. Costs

STATEMENT REGARDING INSURER

The Plaintiff does not know whether either of the Defendants were insured for the risks described in the Endorsement hereto.

Mckiney Reid & Co.

MCKINEY REID & COMPANY

Attorneys-at-Law for the Plaintiff

2. The Second Defendant at all material times was the Chief Medical Officer employed by the Health Services Department and was responsible for the management of medical practitioners and health care at the Cayman Islands Hospital.
3. The Third Defendant is/was the Department of the Cayman Islands Government which provided, managed and maintained the Cayman Islands Hospital and employed Doctors and other staff including the First and Second Defendants.
4. The Fourth Defendant is a body which is the successor of the Health Services Department and which is believed to now assume the liabilities of the Health Services Department.
5. The Fifth Defendant is party to these proceedings pursuant to the Crown Proceedings Law by virtue of the fact that the Cayman Islands Government Health Services Department ("Health Services Department") provided, managed and maintained the Cayman Islands Hospital and employed doctors and other staff including the First and Second Defendants.
6. The First Defendant held himself out to be an experienced, skilled and competent medical practitioner.
7. The Plaintiff was an Executive Officer and patient of the First, Second and Third Defendants.
8. The Defendants owed the Plaintiff a duty of care to exercise reasonable skill, care and treatment. The First and Second Defendants and the Health Services Department treated the Plaintiff unskillfully and/or negligently as set out below and by reason of the same, the Plaintiff suffered injury.

DETAILS OF NEGLIGENT TREATMENT

9. Some weeks prior to March 2001 the Plaintiff observed a growth on her right hand and attended the George Town Hospital for treatment and saw the First Defendant (“the Doctor”) who advised her that she would need surgery to remove the growth from her hand. She was advised that the growth was a bursal or synovial cyst.

10. As a result of the advice of the Doctor, the Plaintiff underwent a surgical procedure on the 22nd of March 2001 under the care of the Doctor to remove the cyst from her hand.

11. Subsequent to this initial surgical procedure the Plaintiff began to experience intense pain in the hand. This pain was far greater than any pain experience in the hand prior to the surgery. She also observed that the hand had become stiff and she was not able to grip or close the hand. She returned to the hospital as advised by the Doctor for follow-up consultations and physio-therapy. She told the Doctor what was happening with her hand and he eventually advised her that she would need a second surgery.

12. On the 28th June 2001 the Plaintiff submitted to a second surgical procedure conducted by the Doctor.

13. After the second surgical procedure the hand worsened and the pain was so intense that the Plaintiff could not sleep and she had loss all or most significant use of the hand.

14. The Plaintiff again attended at the hospital and consulted the Doctor who then

told her that he could not help her and would refer her to a Hand Specialist in Miami.

15. The Plaintiff attended the Hand Specialist in Miami who advised her that she had extensor tendon adhesions which were caused by the surgical procedure done by the Doctor and that she would need corrective surgery followed by immediate therapy. She returned home to prepare to return to Miami for the surgery only to be told that the Second Defendant had refused to approve her treatment in Florida and said that she would have to do the surgery at the George Town Hospital. The Plaintiff was receiving medical care through the Cayman Islands Government and was not in a position to finance the medical care on her own. However, all the circumstance the Plaintiff reasonably refused to submit to any further surgery at the George Town Hospital and made repeated requests to be allowed treatment overseas. She was repeatedly denied.
16. The Plaintiff's hand continued to deteriorate and she was not able to flex her fingers, grip, make a fist and the excruciating pain continued to disturb her sleep. She was not able to continue her employment as she was also unable to type, bake, comb her hair or do many of her usual activities.
17. Subsequently the Plaintiff sought further medical advice and was again advised that she had extensor tendon adhesions and injury which were caused by the negligence of the First Defendant and/or the Second Defendant and/or the Health Services Department whilst the Plaintiff underwent the surgical procedures and care described above.
18. By reason of the negligence of the First and Second Defendants and the Health Services Department the Plaintiff suffered injury and has suffered pain, loss and damage.

PARTICULARS OF INJURY

Extensive injury to the right hand which included extensor tendon adhesions which caused emotional and mental anguish, pain and suffering. To the date of the commencement of this claim the Plaintiff is still experiencing pain and suffering and loss of annuity and requires further medical treatment.

PARTICULARS OF SPECIAL DAMAGES

The Plaintiff seeks special damages for inter alia, loss of earnings, travel expenses and medical costs as a result of negligent treatment.

19. These injuries and loss and damage were caused by the negligence and/or breach of duty of the First and Second Defendants and the Health Services Department.

And the Plaintiff Claims against all Defendants and each of them:-

- (i) Damages
- (ii) Interest pursuant to the Judicature Law in such amounts and for such periods as the Court deems just.
- (iii) Costs
- (iv) Further and/or other relief

Mckinney Reid & Co.

MCKINNEY REID AND COMPANY

Attorneys-at-Law for the Plaintiff

THIS STATEMENT OF CLAIM is issued by McKinney Reid & Company, Attorneys-at-Law for the Plaintiff whose address for service is 201 Elizabethan Square, P.O. Box 1573GT, George Town, Grand Cayman, Cayman Islands

The following persons must be served:-

- TO:** The Clerk of the Court
- AND TO:** Dr. Surendran Gnanavolivu
C/o George Town Hospital
George Town, Grand Cayman
- AND TO:** Dr. Bryan Heap
C/o George Town Hospital
George Town, Grand Cayman
- AND TO:** Cayman Islands Health Services Department
P.O. Box 915 G.T.
Cayman Islands Hospital Complex
- AND TO:** Cayman Islands Health Services Authority
P.O. Box 915 G.T.
Cayman Islands Hospital Complex
- AND TO:** The Attorney General
Government Administration Building
George Town, Grand Cayman

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 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.

Indorsement by the Plaintiff's attorney (or by the Plaintiff if suing in person) of his name and address in the box below.

McKinney Reid and Company
Attorneys-At-Law
201 Elizabethan Square
P.O. Box 1573 G.T.
George Town Grand Cayman

Indorsement by Defendant's attorney (or by the Defendant if acting in person) of his name and address in the box below.

[Empty box for Defendant's attorney indorsement]