

IN THE GRAND COURT OF THE CAYMAN ISLANDS

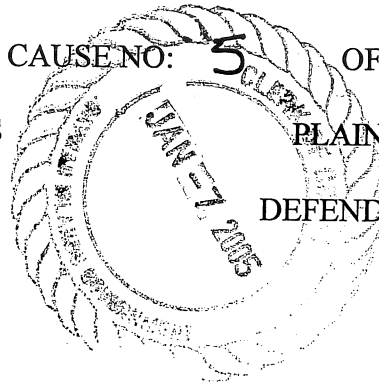
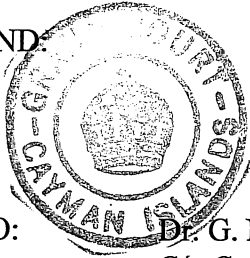
CAUSE NO: 5 OF 2005

BETWEEN: LEANORA DIANNA PALLAS

AND: G. N. RICHMOND PECK

PLAINTIFF

DEFENDANT



WRIT OF SUMMONS

TO: Dr. G. N. Richmond Peck
C/o Cayman Medical and Surgical Centre
P.O. Box 30618SMB
Rankin's Plaza
Eastern Avenue
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 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 495GT, 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 6th day of January, 2005

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.

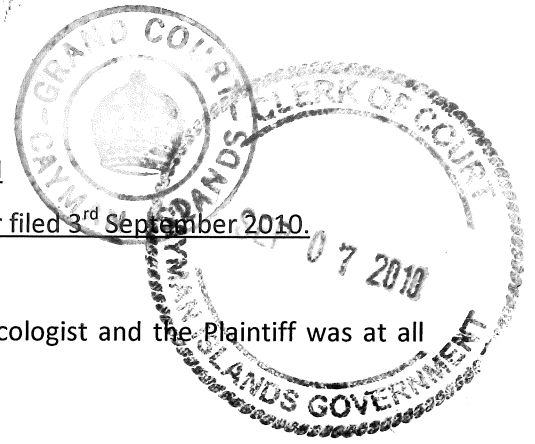
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Date: 7.1.04

Time: 4.30

AMENDED STATEMENT OF CLAIM

Amended this 7th day of September 2010 pursuant to Order filed 3rd September 2010.



1. The Defendant was at all material times an obstetrician/gynaecologist and the Plaintiff was at all material times a patient of the Defendant.
2. On the 23rd April 2003 the Plaintiff attended the surgery of the Defendant complaining of nausea and lower abdomen pain. The Defendant examined the Plaintiff and carried out an ultrasound scan.
3. As a result of the Defendant's examination and review of scan result the Defendant wrongly and/or negligently diagnosed that the Plaintiff had an ectopic pregnancy in her right tube.
4. On 24th April 2003, the Defendant performed a laparoscopic operation (~~removal of ectopic pregnancy~~) on the Plaintiff. ~~for a suspected ectopic pregnancy.~~ The Defendant at surgery proceeded to wrongly and/or negligently remove the proximal end of the right fallopian tube.
5. On the 30th April 2003 the Plaintiff returned for a consultation with the Defendant after suffering from further nausea and lower abdominal pain.
6. After examining the Plaintiff and after carrying out an ultrasound scan of the Plaintiff the Defendant negligently diagnosed the Plaintiff as having a cornual pregnancy.
7. As a consequence of his mistaken diagnosis of a cornual pregnancy the Defendant performed a laparotomy on the Plaintiff to remove the suspected cornual pregnancy. The Defendant during the course of the operation incised the right cornual region and despite finding no evidence of a pregnancy sac negligently continued the incision into the uterine cavity.
8. The consequence of the Defendant negligently incising the uterine cavity/endometrial cavity was to disturb a normal intra-uterine pregnancy causing the Plaintiff to suffer a miscarriage.

9. ~~Approximately six days later on 30th April, 2003, the Defendant performed yet another laparoscopic operation on the Plaintiff as the Plaintiff was still pregnant. During the process of the operation the Defendant wrongly and/or negligently removed the Plaintiff's right fallopian tube.~~
10. ~~The Plaintiff has been a patient of the Defendant since 2002. The Defendant had knowledge of ought to have known that the Plaintiff has had previous operation for the removal of her left fallopian tube and that she only had the right tube left.~~
11. ~~The Defendant was negligent in that he failed to remove the baby that was forming in the Plaintiff's womb during the first laparoscopic operation on 24th April 2003 and had to perform the second operation on 30th April 2004. This caused the Plaintiff much pain and suffering having to go through another painful recovery process while still recovering from the first operation.~~
12. As a result of the said operation and/or operations the Plaintiff has lost her second fallopian tube and will never be able to conceive naturally again.

PARTICULARS OF INJURY

On the morning of 24th April 2003, this 29 year old Plaintiff who was born on 31st January 1974 visited the Defendant's office complaining of severe pain in her lower abdomen and lower back. She informed the Defendant that she was vomiting and had upset stomach. After examining the Plaintiff, the Defendant immediately sent the Plaintiff to the George Town Hospital for admission. The Plaintiff was admitted to the George Town Hospital the same day on the 24th April, 2003 and the Defendant performed an emergency operation to remove the baby from the Plaintiff's womb. The Plaintiff was released from hospital after two days.

On 30th April, 2004 some six days later, the Plaintiff returned to the Defendant's office and complained of even more severe pain in her lower abdomen and lower back, vomiting and nauseousness. The Defendant examined the Plaintiff and informed her that she was still pregnant. The Plaintiff was immediately re-admitted to the George Town Hospital and the Defendant once again performed another emergency operation to remove the baby. The Plaintiff experienced severe pain and remained in hospital for about one week then released.

The Plaintiff continues to experience pain in her lower back and abdomen and has been visiting other physicians. She takes pain killers constantly to ease the pain. It is very likely that she will undergo

surgery in the future. After the operations, the Plaintiff was off work for quite some time. She is emotionally depressed from the fact that she will never be able to bear children naturally again. Her entire life has changed and she will never be the same again.

The Plaintiff has sought and obtained IV treatment in order to assist her to conceive. The Plaintiff attended the University of Jamaica Medical Department in order to have IV treatment, this treatment was unsuccessful.

13. The Defendant was negligent and in breach of his duty of care in that he failed to exercise reasonable care and skill in the treatment administered to the Plaintiff. As a result, the Plaintiff has suffered injuries, pain, suffering, loss and damage.

PARTICULARS OF NEGLIGENCE

- (1) failed to conduct any proper examination of the Plaintiff
- (2) failed to consider or to make the correct diagnosis
- (3) failed to heed or exercise precaution knowing the history of the Plaintiff, in particular that the Plaintiff had only one fallopian tube left.
- (4) Wrongly concluded that the baby was forming in the Plaintiff's fallopian tube.
- (5) Failed to carry out any or adequate steps such X-rays and CT scan to ascertain the position of the baby in the Plaintiff's womb prior to performing surgery.
- (6) Failed to take the necessary precaution as other obstetrician/gynaecologist would when conducting surgeries of the kind.
- (7) Failed to give the necessary explanation regarding possible risks that may be associated with that type of operation.
- (8) Performed an operation on the Plaintiff that was not necessary.
- (9) Failed to take reasonable care when performing the first operation to remove the baby.
- (10) Wrongly discharging the Plaintiff from hospital care.

- (11)Causing the Plaintiff to become unable to conceive.
- (12)Wrongly diagnosing that the Plaintiff had an ectopic pregnancy in her right tube on the 24th April 2004.
- (13)Wrongly removing the proximal end of the right fallopian tube of the Plaintiff on the 24th April 2004.
- (14)Wrongly diagnosing the Plaintiff as having a cornual pregnancy on the 30th April 2004.
- (15)Performing a laparotomy on the Plaintiff to remove the wrongly diagnosed cornual pregnancy on the 30th April 2004.
- (16)During the course of the operation at (15) incising the right cornual region and despite finding no evidence of a pregnancy sac continuing the incision into the uterine cavity disturbing a normal intra-uterine pregnancy causing the Plaintiff to suffer a miscarriage.

14. The Plaintiff's injuries, pain, suffering, loss and damage were caused by the negligence and/or breach of contract and/or breach of duty of care by the Defendant.

PARTICULARS OF SPECIAL DAMAGES

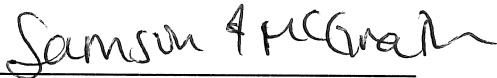
Hospital and doctors expenses	CI\$7,488.78
Travelling expenses to and from doctors	<u>200.00</u>
	CI\$7,688.00

AND THE PLAINTIFF CLAIMS:

- (1) Special and General Damages
- (2) Provisional Damages
- (3) Interest pursuant to the Judicature Law
- (4) Costs
- (5) Any other order as this Honourable Court deems just.

Dated this 6th day of January, 2005

Re-Dated this 7th day of September 2010



Margeta Facey-Clarke

Facey Clarke & Associates

Samson & McGrath

Attorneys-at-Law for the Plaintiff

This Writ was issued by ~~Facey Clarke & Associates~~, Samson & McGrath Attorneys at Law for the Plaintiff herein whose address for service is that of the said Attorney's-at-Law, ~~Ground Floor, Unit 119, Elizabethan Square~~, 5th Floor, Genesis Close, Genesis Building, George Town, Grand Cayman.