

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 586 OF 1996

BETWEEN: LISELOTTE C. SWEENEY PLAINTIFF

AND: SUSAN ARCH formerly t/a THE BAY VIEW
RESTAURANT & LOUNGE DEFENDANT

WRIT OF SUMMONS

TO: Susan Arch
North Sound Estates
Newlands
Grand Cayman

AND TO: P.O. Box 165 GT
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 following pages.

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 4th day of October, 1996.

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.

STATEMENT OF CLAIM

1. The Defendant was at all material times the owner of the business and the occupier of premises known as the Bay View Restaurant & Lounge, George Town, Grand Cayman.
2. On the 13th of December, 1993, the Plaintiff entered the said premises as a visitor and guest.
3. As the Plaintiff was leaving the restaurant, together with her companion, by walking down a step, which leads to a walkway which in turn leads to the hall, she missed her step whereupon she fell heavily and sustained severe personal injuries.
4. The said accident was caused by the negligence of the Defendant, her servants or agents.

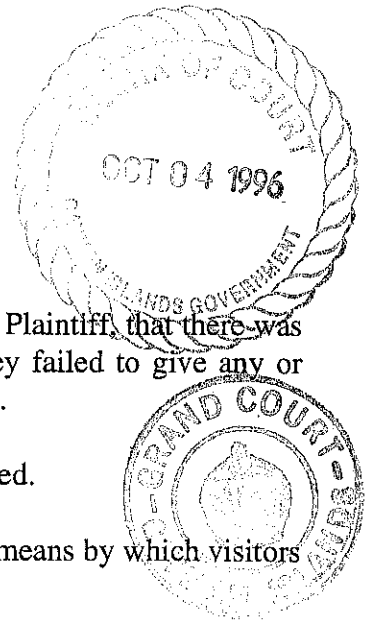
PARTICULARS OF NEGLIGENCE

The Defendant, her servants or agents were negligent in that:-

- (i) They failed to warn visitors to the restaurant, including the Plaintiff, that there was a step in the vicinity where the accident occurred and they failed to give any or adequate warning as to the possible dangers of the said step.
- (ii) They failed to illuminate the area where the accident occurred.
- (iii) They failed to provide a handrail or bannister or some other means by which visitors could negotiate the step in safety.
- (iv) They failed to provide any warning signs at the location of the accident.
- (v) They failed to ensure that visitors to the restaurant would be safe in using the said step.
- (vi) They invited, caused and/or permitted visitors to the restaurant to leave the restaurant by means of the said step, well knowing that no, or no sufficient, precaution whatsoever had been taken to protect their lawful visitors aforesaid from falling in the location where the accident took place as a result of the location being poorly lit, the absence of a handrail and/or any warning signs.

The Plaintiff will further rely on the principle *res ipsa loquitur*.

As a result of the said negligence the Plaintiff sustained injuries.



PARTICULARS OF INJURIES

The Plaintiff who was aged 59 at the date of the said accident, suffered the following injuries:-

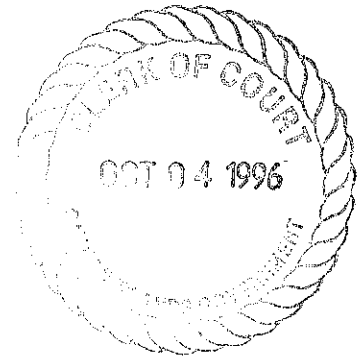
- (i) Comminuted spiral displaced fracture at the mid-shaft area of the right femur;
- (ii) Shock.

As a result of the said injuries, the Plaintiff was flown to hospital in the United States. She spent a total of 32 days in hospital and underwent four operations as a result of her injuries. She has sustained a permanent injury consisting of shortening to the right leg of between two to three inches and has significant limitation to the range of motion of her right knee. She continues to suffer from severe disability and is unable to walk other than the shortest of distances, remaining for most of the time chair-ridden and walking with a walker and assistance.

Further, as a result of the said negligence, the Plaintiff has suffered loss and damage.

PARTICULARS OF SPECIAL DAMAGE

1.	Air ambulance	US\$ 4,615.00
2.	Medical expenses	142,735.65
3.	Medication and medical equipment	<u>296.50</u>
	TOTAL	<u>US\$147,647.15</u>

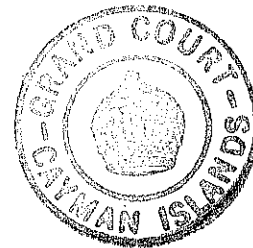


AND the Plaintiff claims:-

- (1) Damages
- (2) Interest pursuant to the Judicature Law and/or the equitable jurisdiction of the Court.
- (3) Further or other relief.
- (4) Costs.

DATED this 4th day of October, 1996.

W.S. Walker & Co.
W.S. WALKER & COMPANY



THIS WRIT AND STATEMENT OF CLAIM were issued by W.S. Walker & Company, Caledonian House, George Town, Grand Cayman, Attorneys-at-Law for the Plaintiff, whose address for service is c/o her said Attorneys-at-Law.