

IN THE GRAND COURT OF THE CAYMAN ISLAND

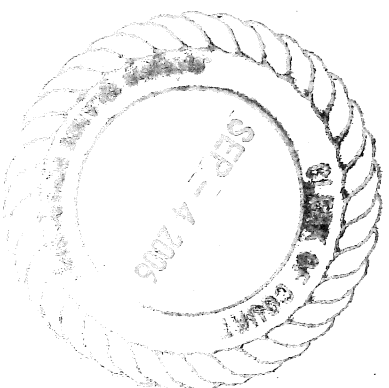
CAUSE NO. 364 of 2006

**BETWEEN: KASEY ANDREA LOPEZ (by Next Friend KARLA LOPEZ-
JACKSON) PLAINTIFF**

AND; DR. ALBERT THACKER DEFENDANT

WRIT OF SUMMONS

**TO; Dr Albert Thacker
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 495 G, 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 Judgement may be entered against you forthwith without further notice.

Issued this 4 day of September, 2006.



NOTE: This Writ may not be served later than 4 calendar months beginning with the date of the issue unless renewed by Order of the Court.

IMPORTANT

Directions for Acknowledgement of Service are given with the accompanying form

STATEMENT OF CLAIM

1 The Plaintiff is a 5 year old girl who is a resident of the Cayman Islands and at the material time she was a patient of the Defendant and was 2 years old.

2 The Defendant is a Doctor of Medicine in Dentistry (DMD) having qualified as such at the University of Manitoba, Winnipeg in 1995. At the material time, the Plaintiff was his patient.

3 On or about 20th August, 2003 the Plaintiff's mother took the Plaintiff to the Defendant's surgery to discuss a procedure to place white caps on the Plaintiff's four front teeth which had become discoloured. The Plaintiff's mother had been recommended to the Defendant by one Dr Phillips who was a dental surgeon at the George Town Hospital.

4 By a verbal agreement entered into on or about 20th August, 2003 the Defendant assured the Plaintiff's mother, after he had examined the Plaintiff's front teeth that he could place the said white caps on the four front teeth and that there would therefore be no need to have the said four front teeth extracted due to the discolouration.

5 The agreement was later confirmed by a written treatment plan provided by the Defendant to the Plaintiff's mother dated 22nd August, 2003. The Plaintiff will rely on the said "Proposed Treatment Plan for Kaeseey Jackson" as prepared by or on behalf of the Defendant and given to the Plaintiff's mother, for its full terms and legal effect.

6 On or about 5th September, 2003 the Plaintiff's mother and father, in accordance with the instructions of the Defendant took the Plaintiff to the Chrissie Tomlinson Hospital for the Defendant to perform the procedure whereby the said white caps would be fitted to the Plaintiff's 4 front teeth.

7 In breach of the said partly oral and partly written agreement, the Defendant extracted the child's teeth without any or any proper consultation with the Plaintiff's mother and without any or any proper consent and/or approval of the Plaintiff's mother or father.

8 As a result of the Defendant's breach the Plaintiff has suffered loss and damage.

AND THE PLAINTIFF CLAIMS:

- (1) Damages for breach of contract
- (2) Further and in the alternative damages for personal injuries, loss and damages
- (3) Interest pursuant to the Judicature Law
- (4) Costs and Attorney's fees.

Dated this 4th day of September, 2006

Bovk & Bovk

BROOKS & BROOKS
Attorneys At Law for the Plaintiff

TO: The Clerk of the Courts

AND TO: The Defendant

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

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. of 2006

BETWEEN:
KASEY ANDREA LOPEZ (by next Friend KARLA LOPEZ-JACKSON)
PLAINTIFF
AND;
DR ALBERT THACKER
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

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

Service of Writ is acknowledged accordingly

Signed _____

Please complete overleaf

(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.

Endorsement 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)

Endorsement 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