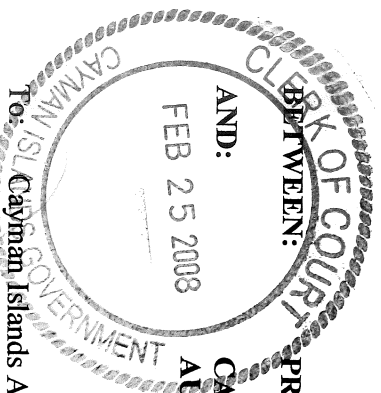


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. G-0112 OF 2008



**PRINCESS JOHNSON
CAYMAN ISLANDS AIRPORT
AUTHORITY**



**PLAINTIFF
DEFENDANT**

WRIT OF SUMMONS

**To: Cayman Islands Airport Authority
Second Floor
Owen Roberts International Airport
Owen Roberts Drive
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 fourteen days (14) 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, 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 25th day of February, 2008

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 and/or occupier of the premises known as the Owen Roberts International Airport, situated at Owen Roberts Drive, George Town, Grand Cayman, Cayman Islands and the Plaintiff was at all material times a visitor to the said premises.
2. On the 11th of February, 2007, the plaintiff visited the Airport to deliver a parcel to a friend who was departing the Cayman Islands on Air Jamaica.
3. After delivering the package, and immediately upon exiting the building, suddenly and without warning, the Plaintiff tripped and fell over a bench which was placed in the walk way of the Plaintiff and other pedestrians.
4. As a result of the fall, the Plaintiff received severe fracture to her right dominant arm. She was taken to the Cayman Islands Health Services Authority where she was treated and remained in hospital for 8 days.
5. The said accident was caused by the negligence of the Defendant and the Defendant is liable to the Plaintiff in damages.

PARTICULARS OF NEGLIGENCE

6. The Defendant was negligent, in that:
 - (a) it placed the bench in an area where it knew or ought to have known that the Plaintiff and other pedestrians had to access the airport.
 - (b) caused the Plaintiff to trip and fall over the unsecured bench.
 - (c) failed to have the bench bolted and/or secured to the ground so that it would not shift or move about.

7. As a result of the Defendant's negligence the Plaintiff has suffered pain and suffering, loss and injury and damages.

PARTICULARS OF INJURY

- (a) Severely fractured right arm;
- (b) Injury to right elbow with resultant prolonged pain and suffering;
- (c) Permanent disability of dominant right arm;
- (d) Permanent scars on elbow;
- (e) Recurrent discomfort in the right shoulder muscles;
- (f) Sprain right thumb/swollen fingers;
- (g) Loss of mobility in right elbow;
- (h) Ongoing significant pain in arm and fingers and weakness of grip;
- (i) Secondary discomfort due to 'compensatory' overuse of right shoulder muscles;

8. The Plaintiff was born on the 8th of March 1965 and was 41 years old at the time of the accident. She was gainfully employed in the field of general maintenance and painting. She received a weekly salary of CI\$175.00 per week, plus overtime.

After the accident, the Plaintiff was taken to the Cayman Islands Health Service Authority where she was treated and admitted to hospital for eight days. X-rays revealed that she suffered multiple fractures to bones in her right arm and around her elbow.

The Plaintiff continued to suffer severe pain in her arm and had to seek further medical assistance in Jamaica. Dr. Kenneth Vaughan, the Orthopaedic Surgeon who treated the Plaintiff, confirmed that the Plaintiff should remain on pain medication as well as physical therapy due to the fact that the surgery which she would need to undergo to rectify the problem is "...one of those dreaded complications that can be rather difficult to treat with unpredictable results..."

The Plaintiff is still receiving physical therapy and she is still unable to use her arm. The Plaintiff is a single mother who lives alone and she is now unable to independently take care of herself because the injury to her arm has left her partially 'handicapped'.

The Plaintiff is right-hand dominant and the use of her right arm is significantly restricted. Prior to the accident the plaintiff was accustomed to doing manual labour which included the use of both her arms. The Plaintiff has not been able to carry out her duties as she did before the accident. She is not able to lift, push, pull, sweep, mop or perform any duties at all with her right hand. She cannot lift her hand above her shoulder to comb her hair. She has difficulty going about her daily chores with the use of her left hand only. She is severely handicapped on the job market and her life will never be the same again.

The Plaintiff was forced to give up her job as a painter and general maintenance person and accept a lesser paying job in order to maintain herself and her family. She is now employed at a laundry mat at a reduced income, performing light duties with her left hand only.

The Plaintiff is the sole breadwinner for her family which consists of four (4) children, ages 15-22. She is also responsible for her father who is 69 years old suffers from high blood pressure, and need surgery for cataract in his eye.

SPECIAL DAMAGES

Medical expenses
Loss of earnings
Traveling expenses to and from doctors and physical therapists
Other cost (for hair dresser)

GENERAL DAMAGES

Future loss of income

The Plaintiff further ask the Court to award a sum for future care, due to the fact that it is inevitable that her elbow will eventually need further surgery.

The Plaintiff claims interest pursuant to the Judicature Law on all sums due.

AND THE PLAINTIFF CLAIMS:

- Damages
- Pre and Post Judgment Interest
- Costs
- Any other relief

Dated this 25th day of February, 2008



Facey-Clarke & Associates
Attorneys-at-Law for the Plaintiff

This Writ was issued by Facey-Clarke & Associates, Attorneys-at-law for the Plaintiff herein whose address for service is that of the said Attorneys-at-Law, Ground Floor, Unit 119, Elizabethan Square, Grand Cayman

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS

1. The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495GT, Grand Cayman.
2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings must also serve a defence on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his Defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A Stay of Execution against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, issue a Summons for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance

Please complete overleaf

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Writ of Summons)".
4. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
6. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. *20113* OF 2008

BETWEEN: PRINCESS JOHNSON PLAINTIFF
AND: CAYMAN ISLANDS AIRPORT DEFENDANT
AUTHORITY

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 Delay may result in judgment being entered against
and notes for guidance carefully before a Defendant whereby he may have to pay the costs
completing this form. If any information of applying to set it aside.
required is omitted or given wrongly, THIS
FORM MAY HAVE TO BE RETURNED.

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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 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 no
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Service of the Writ is acknowledged accordingly

Dated:

(Signed).....

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 plaintiffs Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Facey-Clarke & Associates
P. O. Box 2545, KY1-1104
Unit 119, Ground Floor, Elizabethan Square
George Town, Grand Cayman
Cayman Islands, B. W.I.
Tel: (345) 946-8111
Fax: (345) 946-8141
email: mclarke@candw.ky

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

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