

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: 36 OF 2018

BETWEEN:

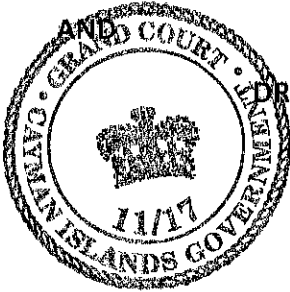
CINDY HAMILTON-WEBSTER

PLAINTIFF



AND
DR. SARATH DE ALWIS

DEFENDANT



WRIT OF SUMMONS

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs in respect of the claim set out on the next page.

- Within 14 days after the service of his Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO Box 495G, George Town, Grand Cayman, KY1-1106, Cayman Islands, 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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 3 day of March, 2018

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 Services are given with the accompanying from.

THIS WRIT WAS ISSUED by CINDY HAMILTON-WEBSTER the Plaintiff, whose address for service is 119 Walters Road, George Town, P.O. Box 20 Grand Cayman KY1-1601, Cayman Islands. Tele: 345.924.8301

GENERAL ENDORSEMENT

The Plaintiff's date of birth is September 7, 1983

AND THE PLAINTIFF CLAIMS:

- (a) The Plaintiffs claim is for: (i) (as against the Defendant) damages for pain, suffering and loss of amenity, and/or injury an loss sustained as a result of the negligence and/or breach of duty of the Defendant, and/or their servants, or agents in the treatment of her on 6th March 2012 and .
- (b) Special damages in respect of medical costs and ancillary expenses; and/or an interim payment for ongoing medical treatment in set sum of CI\$20,000.00.
- (c) The Plaintiff further claims pre and post judgment interest on the damages awarded in accordance with the terms of the agreement of the Judicature Law (2017 Revision), and the Judgment Debt (Rates of Interest) Rules as amended from time to time;

Dated the 3 day of March, 2018



CINDY HAMILTON-WEBSTER

IN THE GRAND COURT OF THE CAYMAN ISLANDS
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CAUSE NO: OF 2018

BETWEEN:

CINDY HAMILTON-WEBSTER

PLAINTIFF

AND

DR. SARATH DE ALWIS

DEFENDANT

SCHEDULE

The medical negligence, pain and suffering referred to in Cindy Hamilton-Webster affidavit dated _____ day of _____ 2018 to

- 1.
- 2.
- 3.

**DIRECTIONS FOR ACKNOWLEDEMENT OF SERVICE
OF WRIT OF SUMMONS**

4. The accompanying form of Acknowledgement of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person.
5. A Defendant who states in his Acknowledgement 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 the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

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

6. 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 Acknowledgement 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 overleaf for Notes for Guidance

Notes for Guidance

7. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts office.
8. 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.
9. 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)".
10. 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.
11. 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.
12. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorized to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney action on its behalf.
13. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
14. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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PLAINTIFF

AND

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DEFENDANT

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 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

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 judgement entered by the Plaintiff (tick box)

yes no

Service of the Writ is acknowledged accordingly

(Signed).....
Attorney for

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.

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