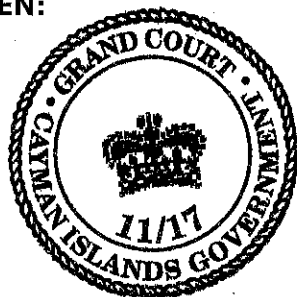


**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION**

CAUSE NO: 82 OF 2018

**BETWEEN:**

**AND:**



**KADIAN SANDCROFT**

**PLAINTIFF**

**RELIABLE INDUSTRIES LTD**

**DEFENDANT**

**WRIT OF SUMMONS**

**TO:** Reliable Industries Ltd  
PO Box 345  
Christian Plaza, Room #3  
North Sound Way  
George Town  
Grand Cayman  
KY1-1003  
Cayman Islands



**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff of 32 Brinkley Drive, George Town, Grand Cayman 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 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 1<sup>st</sup> day of May 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 Acknowledgment of Service are given with the accompanying form.

## STATEMENT OF CLAIM

1. The Plaintiff is and was at all relevant times employed by the Defendant as a Janitor, she was assigned to work at Owen Roberts International Airport, Owen Roberts Drive, Grand Cayman.
2. At all relevant times the Plaintiff was engaged in cleaning the premises situated at Owen Roberts International Airport.
3. On the 2<sup>nd</sup> May 2015 at approximately 11.40am, the Plaintiff whilst acting in the course of her employment was cleaning the premises.
4. The Plaintiff had completed cleaning the staff restrooms behind the check-in desks and needed to cross the luggage conveyor belt to continue her work. The belt was not operational at that time. As the Plaintiff stepped on to the conveyor belt to cross, the belt started moving, causing her right foot to move forward in a jerking motion. She was able to stop herself from falling by grabbing the protective post however, the movement caused her leg and back to twist and as a result she sustained injury.
5. The accident and resulting injury were caused by the negligence of the Defendant, their employees or agents acting in the course of their employment.
6. Particulars of Negligence
  - (a) Failed to ensure the health, safety and welfare of the Plaintiff;
  - (b) Failed to provide a safe system of work;
  - (c) Failed to ensure all traffic routes and means of access were safe;
  - (d) Failed to provide the Plaintiff with any or any adequate training or information in respect of the operation of the conveyor belt;
  - (e) Failed to provide or maintain for the Plaintiff a safe means of access to or egress from every place at which she had to work;
  - (f) Exposed the Plaintiff to a danger or a trap and a foreseeable risk of injury.
7. By reason of the aforesaid, the Plaintiff aged 40, date of birth is the 24<sup>th</sup> May 1977 has suffered personal injury, loss and damage.

### Particulars of General Damage

8. The Plaintiff was immediately aware of pain in her lower back and reported the same to the Operations Manager at the Airport who provided her with pain relieving medication.
9. Later the same day she attended the Accident and Emergency Department of George Town Hospital where she was diagnosed as having suffered a lower back sprain and a

pulled right hamstring. She was prescribed pain relieving medication and provided with a sick note.

10. She reattended George Town hospital on the 5 May 2015 with continued pain and underwent x-rays of the lumbar spine where she was diagnosed as having suffered muscular spasm and mild lumbar spondylosis.
11. She attended with her GP, Dr Marzouca on the 11 May 2015 with continued pain who gave her an intramuscular injection and referred her for physiotherapy.
12. She consulted with Cayman Orthopaedic Group and underwent repeat imaging. They referred her for a course of physiotherapy which she underwent. She continued to see Cayman Orthopaedic with continued pain. She was diagnosed as having suffered an injury to her facet joints with secondary spasm in the muscles. She was signed off work for a number of weeks.
13. In 2016 she saw the Orthopaedic Surgeon at Health City Cayman Islands who diagnosed her as having suffered disc prolapses, and right Sacro-iliac joint strain and referred for further physiotherapy.
14. She has undergone facet block injections to try to alleviate the pain.
15. The Plaintiff continues to suffer pain in her lower back and remains under the care of her physicians.

#### **Particulars of Loss and Damage**

16. See attached Schedule of Special Damages. Future Loss is claimed and will be particularized in due course.

#### **Statement as to interest**

17. The Plaintiff will claim interest pursuant to section 34 of the Judicature Law (2013 Revision) at half the rate as prescribed under the Judgment Debts (Rates of Interest) Rules (as amended) from the 2 May 2015 to Trial.

#### **AND THE PLAINTIFF claims:**

1. General and Special Damages
2. Interest in accordance with the Judicature Law (2017 Revision)
3. Costs



**KSG Attorneys-at-Law**  
**Attorneys for the Plaintiff**

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION**

**CAUSE NO: OF 2018**

**BETWEEN:**

**KADIAN SANDCROFT**

**PLAINTIFF**

**AND:**

**RELIABLE INDUSTRIES LTD**

**DEFENDANT**

**SCHEDULE OF SPECIAL DAMAGES**

**1. EARNINGS**

The Plaintiff is employed as a Janitor and is paid \$6.00 per hour. She has suffered loss of earnings due to time off following the accident and working reduced hours.

**2. GRATUITOUS CARE**

The Plaintiff has required significant care from her friends including with dressing and with her personal hygiene, cooking for her, bringing her required items and taking her to medical appointments. In addition, they assisted with general household chores and grocery shopping she previously undertaken.

**3. MISCELLANEOUS EXPENSES**

<b>Description</b>	<b>CI\$</b>
CIHSA – Pharmacy	18.93
CIHSA – 2 May 2015	126.82
Airport Centre Pharmacy	17.86
Dr Marzouca – 23 May 2015	28.00
Valu-Med Pharmacy	51.40
CIHSA	TBC
Cayman Orthopaedic Group	TBC
Cayman Physiotherapy	TBC
Travel to Appointments 30 x \$5	150.00
<b>TOTAL</b>	<b>TBC</b>

**4. SUBROGATED CLAIM**

The Plaintiff has health insurance with BAF who may wish to pursue a subrogated claim for their outlay.

**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 495G, George Town, 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  
CIVIL DIVISION**

**CAUSE NO:                    OF 2018**

**BETWEEN:**

**KADIAN SANDCROFT**

**PLAINTIFF**

**AND:**

**RELIABLE INDUSTRIES LTD**

**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 judgment 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 judgment entered by the Plaintiff (tick box)

yes

no

---

Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

**Please complete overleaf**

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

KSG Attorneys at Law  
4<sup>th</sup> Floor, Harbour Centre  
42 North Church Street  
PO Box 2255  
George Town  
Grand Cayman  
KY1-1107

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

[Empty box for defendant's attorney indorsement]