



IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

35
CAUSE NO: G OF 2021

BETWEEN: **PAULETTE NARDIA SMITH** PLAINTIFF

AND: **CAYMAN AIRWAYS LIMITED** DEFENDANT

WRIT OF SUMMONS

TO: CAYMAN AIRWAYS LIMITED
91 Owen Roberts Drive
P.O. Box 10092
Grand Cayman KY1-1001
CAYMAN ISLANDS

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, 495GT, George Town, Grand, Cayman, the accompanying Acknowledgement of Service stating 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 judgement may be entered against you forthwith without further notice.

Issued this *26th* day of February 2021.

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.

GENERAL INDORSEMENT

The Plaintiff's claim is for:

- (1) Damages and loss arising out of personal injuries sustained during an aviation incident on 8th September 2019 on Cayman Airways Flight Number KX792. The Plaintiff was a commercial passenger travelling from Grand Cayman to New York on Flight KX792 which was diverted in-flight for emergency landing at the Orlando International Airport. On landing at the Orlando International Airport, emergency evacuation of passengers was conducted by the cabin crew members. The Plaintiff was instructed to evacuate the aircraft via the emergency over-wing exit door onto the wing of the aircraft. The Plaintiff was then instructed to jump off the wing onto the concrete tarmac runway below without the aid of emergency evacuation slides or aircraft extended flaps. The Plaintiff suffered personal injuries loss and damage by reason of same. Her claim includes damages for pain suffering and loss of amenity and special damages to include medical expenses and out of pocket expenses. The Plaintiff contends her loss and damage was caused by the negligence and or breach of statutory duty and or breach of a common law duty of care of the Defendant or its servants or agents.
- (2) Interest as aforesaid pursuant to section 34(1) of the Judicature Law (2013 Revision) until Judgment or sooner payment or at such rate and for such time as the Court shall deem fit; and
- (3) Costs.

Dated the 26th day of February 2021.

MSR

MSR
Attorneys -at-law for the Plaintiff

Acknowledgment of service of writ of summons (0.12, r.3)**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

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 Plaintiffs (or on the Plaintiffs 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 Plaintiffs 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 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 guardian ad litem.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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**ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

To: CAYMAN AIRWAYS LIMITED
91 Owen Roberts Drive
P.O. Box 10092
Grand Cayman KY1-1001
CAYMAN ISLANDS

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** she 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 the Defendant

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

MSR ATTORNEYS
Second Floor
Anderson Square Building
64 Shedden Road, George Town
P.O. Box 1191
Grand Cayman KY1-1503
Cayman Islands.
T: +1 (345) 743-3202

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