



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

CAUSE NO: OF 2021

BETWEEN:

MARY JUNE ALBARADO

PLAINTIFF

AND:

PURITAN CLEANERS (1980) LTD

DEFENDANT

WRIT OF SUMMONS

TO: The Defendant
Puritan Cleaners (1980) Limited
P.O. Box 913
Grand Cayman KY1-1103
Cayman Islands

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of 106 Bodden Road, P.O. Box 1525, Grand Cayman KY1-1101 Cayman Islands 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 18th day of June 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.

STATEMENT OF CLAIM

1. The Defendant is a company registered in the Cayman Islands carrying on the business of dry cleaning and laundry services.
2. At all material times the Plaintiff was employed to the Defendant as a laundry assistant under a contract of employment entered into between the parties in or about March, 2014.
3. On 21st June 2018, during the course of Plaintiff's employment, whilst carrying out her assigned task of cleaning and preparing the roller press machine at the Defendant's Eastern Avenue location, a cloth napkin in the Plaintiff's left hand became engaged with the roller press.
4. The roller press machine pulled the Plaintiff's left hand and caused the Plaintiff's hand to become engaged with the roller press machine causing significant injury to her left wrist.
5. The incident was caused by the negligence of the Defendant or the negligence of the Defendant's servants, employee and/or agents, for which the Defendant is vicariously liable.

Particulars of Negligence

6. The Defendant, its servants, employees and or agents was negligent in that they:
 - (a) failed to provide the Plaintiff with safety gear/protective equipment;
 - (b) failed to maintain the roller press machine in an effective safe state of repair;
 - (c) failed to implement appropriate safety measures to avoid or reduce the risk of injury to the Plaintiff;
 - (d) failed to sufficiently assess the risks associated with the tasks to which the Plaintiff was assigned;
 - (e) failed to provide training to the Plaintiff in respect of the use and operation of the roller press machine.
 - (f) failed to implement a safe system of work in respect of the tasks to which the Plaintiff was assigned.
 - (g) failed to provide or maintain for the Plaintiff a safe place of work;

(h) failed to provide or maintain for the Plaintiff a safe system of work.

7. By reason of the aforesaid, the Plaintiff has suffered personal injury, loss and damage.

Particulars of Injury

8. The Plaintiff, whose date of birth is 30th April 1974, was 44 years old at the date of the accident.

9. The Plaintiff was transported by another employee of the Defendant to the George Town Hospital where she received emergency medical treatment. The Plaintiff underwent emergency surgery at George Town Hospital on 26 June 2018 which involved a skin graft from her left groin.

10. The Plaintiff sustained the following injuries:

- (a) Crush injury over the dorsum
- (b) Tendon injury
- (c) Skin loss over the fourth metacarpophalangeal joint
- (d) 2x3 cm lesion over the fourth metacarpophalangeal
- (e) Partially torn fifth extensor
- (f) Partial degloving of left hand
- (g) Swelling to the left hand
- (h) Trauma to left hand
- (i) Scarring to the left hand

11. Further particulars of the Plaintiff's injury and treatment will be provided at a later date by way of a schedule of loss.

Particulars of Special Damage

12. The Plaintiff has suffered loss and incurred expenses as a result of the accident.

13. The Plaintiff's particulars of special damage will be supplied at a later date by way of a schedule of loss including but not limited to past and future claims for cost of medical treatment, loss of earnings, travel and gratuitous care.

Statement as to Interest

14. The Plaintiff will claim interest pursuant to section 34 of the Judicature Act (2017 Revision) at half the rate as prescribed under the Judgment Debts (Rates of Interest) Rules (as amended) from 26 June 2018 to trial.

AND THE PLAINTIFF CLAIMS:

- (a) General Damages;
- (b) Special Damages;
- (c) Interest in accordance with the Judicature Act (2017 Revision);
- (d) Costs;
- (e) Such further or other relief that this Honourable Court deems just.



KSG Attorneys-at-Law

Attorneys for the Plaintiff

**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.

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
4th Floor Harbour Centre
42 North Church Street
PO Box 2255
George Town
KY1-1107
Grand Cayman

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