



**GRAND COURT OF THE CAYMAN ISLANDS
TOWN
DIVISION**

CAUSE NO. of 2023

BETWEEN JODY-ANN WIGNAL

PLAINTIFF

AND

- (1) COMMISSIONER OF POLICE**
- (2) HON. ATTORNEY GENERAL OF THE CAYMAN ISLANDS**
- (3) CAYMAN ISLANDS GOVERNMENT**
- (4) MONTEPELIER PROPERTIES (CAYMAN) LTD.**

DEFENDANTS

WRIT OF SUMMONS

To: The Commissioner of Police
c/o Police Headquarters
Elizabethan Square
George Town
GRAND CAYMAN

And To: The Hon. Attorney General
Attorney General's Chambers
Government Administration Building
George Town
GRAND CAYMAN

And To: Cayman Islands Government

Government Administration Building
George Town
Grand Cayman

And To: Montpelier Properties
(Cayman) Ltd
Elizabethan Square
George Town
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 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 Courts Office, P O Box 495 G, George Town, Grand Cayman, 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 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 17th day of November, 2023

NOTE: This Writ may not be served later than 4 calendar months beginning with the date of issue unless renewed by Order of the Court.

IMPORTANT

Directions for Acknowledgement of Service are given with the accompanying form

STATEMENT OF CLAIM

- 1 The Plaintiff is a resident of the Cayman Islands and at the material time she was a Police Officer carrying out her duties at the Royal Cayman Islands Police Headquarters located in Elizabethan Square George Town Grand Cayman.
- 2 The First, Second and Third Defendants were at the material time, and continues to be, the Plaintiff's employers.
- 3 The fourth Defendant is the owner of the property, commonly known as Elizabethan Square, which is located in Central George Town, Grand Cayman and which consists of various offices, including the office of the Royal Cayman Islands Police Headquarters, the location in which the incident being complained of, took place.
- 4 On Wednesday 2nd December, 2020 the Plaintiff was engaged in her normal duties as a Police Officer leaving the premises of her employer, the Royal Cayman Islands Police Headquarters, when, in order to do so, she entered into the elevator on the third floor.
- 5 As the Plaintiff entered the elevator in order to go down to the ground floor level, the elevator immediately and suddenly went up to the top floor, then shot back down at a high rate of speed to the ground floor, after which it then jettied back up to the third floor, where the door opened and the Plaintiff disembarked.
- 6 As a result of this traumatic experience the Plaintiff suffered damage, physical, mental and personal injuries.
- 7 The Plaintiff was taken to the George Town hospital for her injuries where it was established that she had sustained multiple injuries which, at that time appeared to include:
 - (a) Left paracentral disc protrusion;
 - (b) Annular tear at L5-S1 with moderate left and mild right foraminal narrowing; and
 - (c) Multifocal facet arthropathy
- 8 As a result of her injuries the Plaintiff was placed on extended sick leave whilst she was being treated conservatively (neck brace worn for 6 weeks post injury); pain – treated with various medications; and ongoing physiotherapy (3 sessions per week since December, 2020).
- 9 The Plaintiff's injuries were caused by the negligence and/or breach of their statutory duties by the Defendants pursuant to sections 58, 60 (d); of the Labour Act (2021 Revision).

PARTICULARS OF NEGLIGENCE

- 10 The Defendants were negligent and guilty of breach of their statutory duties by:

- (a) Failing to provide a safe place of employment for the Plaintiff;
 - (b) Failing to maintain and/or failing to properly maintain the said elevator;
 - (c) Failing to provide any warning that the said elevator had previously malfunctioned in the same manner with other persons;
 - (d) Failing to investigate and/or properly investigate the previous incidents so as to properly remedy the issue with the elevator;
 - (e) Acting recklessly with disregard for the safety of the Plaintiff and other persons using the elevator;
 - (f) Failing to remedy the problem with the elevator so as to avoid the said incidents with the elevator;
 - (g) Failing to exercise reasonable skill, care and attention to the maintenance of the said elevator so as to avoid the incidents with the elevator;
 - (h) Failing to provide the service necessary to the elevator so as to avoid its malfunctioning;
 - (i) In the circumstances, failing to exercise reasonable care and consideration to the Plaintiff's safety
- 11 Further or alternatively the Plaintiff will rely on the doctrine of *res ipsa loquitur* in that the Plaintiff was injured by the malfunctioning of the said elevator.
- 12 By reason of the Defendants' negligence and breach of duty the Plaintiff has suffered serious and permanent injuries, loss and extensive damages.

PARTICULARS OF INJURIES TO THE PLAINTIFF

- 13 The Plaintiff, Jody-Ann Wignal whose date of birth is 10th November, 1989, was 31 years old at the date of the incident. The effect of the malfunctioning of the elevator was very traumatic and resulted in the Plaintiff having to be taken to the George Town Hospital.
- 14 The Plaintiff continues to suffer as a result of the injuries sustained . The injuries include but are not limited to :
- (a) Paracentral disc protrusion;
 - (b) Annular tear at L5-S1 with moderate left and mild right foraminal narrowing;
 - (c) Multifocal facet arthropathy;
 - (d) Musculoskeletal and neurological discomfort
 - (e) Disc bulging at C3-C4, C4-5
 - (f) Lumbar spine injury with degenerative disease;
 - (g) Severe back pain
 - (h) Trauma to her neck
 - (i) Double crush nerve injury;
 - (j) biolateral carpal tunnel syndrome
 - (k) Anxiety;
 - (l) Flashbacks;
 - (m) Fatigue and
 - (n) Post Traumatic Stress Disorder.

- 15 The Plaintiff continues to suffer from several of the above injuries and is impacted by them on a daily and continuous basis. Full particulars of the Plaintiff's injuries and the impact which they have had and continue to have on the Plaintiff will be provided prior to trial.

PARTICULARS OF SPECIAL DAMAGE

- 16 At the time of the incident the Plaintiff was employed as a Detective Constable with the Royal Cayman Islands Police in the Firearms Unit carrying out full duties required of her in that Unit. She was a robust, athletic and highly competent police officer, hailing from a family with strong policing tradition, and providing care for her family including her then 11 month old son.
- 17 She was provided with extensive sick leave after the incident as she was unable to continue to perform her work duties as she did previously due to her inability to sit for long periods, to lift moderate weights; to participate in the rigorous physical fitness requirements of the Royal Cayman Islands Police.
- 18 She was subsequently recommended for part-time light duties and transferred to the Joint Intelligence Unit.
- 19 As a result of her injuries the Plaintiff now faces career uncertainty and has had to have her son reside with family members as she is unable to provide the full care which he requires .
- 20 The Plaintiff has suffered loss and incurred expenses as a result of the incident which loss and expenses are ongoing. Full particulars of the Plaintiff's special damages, which are ongoing, will be supplied at a later date by way of a schedule of loss, including but not limited to claims for potential loss of income; medical treatment, travel, care for the Plaintiff's son, interest and costs.
- 21 The Plaintiff claims pre and post judgment interest pursuant to section 34 of the Judicature Act (2021 Revision) in accordance with the Judgment Debts (Rate of Interest) Rules .

AND THE PLAINTIFF CLAIMS

1. General Damages;
2. Special Damages
3. Pre-judgment interest on damages pursuant to the Judicature Act (2021 Revision);
4. Post-judgment interest on damages pursuant to the Judicature Act (2021 Revision) ; and
5. Legal Fees and Costs

Dated this 17th day of November, 2023.

Brooks & Brooks
Brooks & Brooks
Attorneys At Law for the Plaintiff

This Writ of Summons and Statement of Claim was issued by Brooks & Brooks for the Plaintiff whose address for service is Two Artillery Court, Shedden Road, George Town, Grand Cayman.

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.

*Brooks & Brooks
Attorneys At Law
P O Box 1355
Two, Artillery Court
Shedden Road
George Town, Grand Cayman KY 1 -1108*

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