

IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO. OF 2025

HILARY CHRISTIAN

PLAINTIFF

AND

ATTORNEY GENRAL OF THE CAYMAN ISLANDS

DEFENDANT

WRIT OF SUMMONS

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, PO Box 495GT, 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 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 6th day of June 2025

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 Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff brings this action to recover damages for for personal injury against the Defendant.
2. At all material times, the Plaintiff, was a "Public Servant" by virtue of section 2 (1) and section 5 (1) and 5 (2) (f) of the **Public Servant Management Law (2018 Revision)** (the "PSML").
3. At the time of her injuries, the Plaintiff was employed as an Accounts Officer by the Cayman Islands Government in the Customs and Border Control Department.
4. The Defendant, by virtue of section 11 (2) of the **Crown Proceedings Law (1997 Revision)** is the appropriate Defendant in these proceedings instituted by the Plaintiff.
5. The Plaintiff fell down a flight of steps leading to the Back Exit Door [location] as she was leaving her place of work on 9th June 2022. There were no lights at the location.
6. Consequent on her fall, the Plaintiff sustained the following injuries to her:
 - (a) Left knee abrasion;
 - (b) Left shoulder and wrist – soft tissue injuries;
 - (c) L4-L5 a central disc herniation and bilateral facet hypertrophy, *inter alia*;
 - (d) L5-S1 bilateral facet hypertrophy, disc osteophyte complex, bilateral foraminal herniation, *inter alia*;
 - (e) Chronic, severe shooting pain down her left buttock with numbness and tingling in the lower left limb exacerbated either by standing or walking.
7. The Plaintiff was born on 24th March 1958 and at the time of of the fall was aged 64. The Plaintiff avers that that her injuries were caused by the Defendant's negligence in that the Defendant:
 - (a) Failed to provide a safe means of egress from the building through the Back Exit Door;

- (b) Failed to ensure that the area leading down the steps of the staircase had any or sufficient lighting to enable safe passage whilst the plaintiff was descending the staircase;
 - (c) Failed to ensure that the landing area at the end of the staircase had any or sufficient lighting to enable the Plaintiff to safely transverse and / or have safe footing at the end of the staircase;
 - (d) Failed to provide any or sufficient hand-rails by the staircase to ensure that the Plaintiff's access and passage on the steps could be safely effected;
 - (e) Failed to provide the Plaintiff with a safe place of work;
 - (f) Failed to carry out any or adequate risk assessment of the said area;
 - (g) Failed to provide any or adequate warning of the hazardous condition of the said steps and area;
 - (h) Failed to implement any or adequate health and safety measures at the said location and or at the area of the Plaintiff's fall.
8. The Plaintiff is undergoing further treatment arising from her fall; and will give fuller particulars of her injuries, treatment, and prognosis upon the commencement discovery in these proceedings.
9. By reason of the matters aforesaid, the Plaintiff has suffered loss and damage the Plaintiff has suffered loss and damage.

PARTICULARS OF INJURY

The Plaintiff sustained the injuries set out at paragraph 7 above and further or in the alternative:

- (a) Pain, suffering and loss of amenity;
- (b) Loss of earnings and earning capacity;
- (c) Medical expenses and costs of treatment;
- (d) Ongoing physiotherapy and rehabilitation costs;
- (e) Travel expenses to and from medical appointments;
- (f) Medications costs;
- (g) Such other losses as may appear.

AND THE PLAINTIFF CLAIMS:

- (a) Damages for pain, suffering and loss of amenity; and/or
- (b) Special damages as hereinbefore pleaded; and/or
- (c) Interest thereon pursuant to section 34 of the Judicature Act (2021 Revision) on the amount found to be due, for such periods and at such rates as the Court deems fit.



BRADY ATTORNEYS AT LAW**Attorneys-at-Law for the Plaintiff**

This **WRIT OF SUMMONS** was filed by Bradys Attorneys-at-Law, 2nd Floor, Anderson Square, 64 Shedden Road, George Town, P.O. Box 11740 APO, Grand Cayman, KY1-1109, Cayman Islands.

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 debtor 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 installments 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 issued 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 issued 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

CAUSE NO. OF 2025

BETWEEN:

HILARY CHRISTIAN

PLAINTIFF

AND

ATTORNEY GENRAL OF THE CAYMAN ISLANDS

DEFENDANT

ACKNOWLEDGEMENT 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 of Summons is acknowledged accordingly

(Signed) _____
Attorney for

Please complete overleaf

Note 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/she must give his post office box number and the physical address of his/her residence or, if he/she does not reside in the Cayman

Islands, he/she must give an address in Grand Cayman where communications for him/her 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/her name, address and reference, if any, in the box below.

BRADY

Attorneys-at-Law

2nd Floor, Anderson Square,
64 Shedden Road, George Town,
P.O. Box 1140 APO, Grand Cayman,
KY1-1109, Cayman Islands

Endorsement by Defendant's Attorney (or by Defendant if responding in person) of his/her name, address and reference, if any, in the box below.