



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

**CAUSE NO:            OF 2025**

**BETWEEN:**

**SHADRACK MEITENGAYU**

**PLAINTIFF**

**AND:**

**PROGRESSIVE DISTRIBUTORS LTD**

**DEFENDANT**

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**WRIT OF SUMMONS**

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**TO:**    The Defendant  
         Progressive Distributors Ltd

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff of 71 Mockingbird, Spotts, Newlands, Grand Cayman, 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 08 day of July 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 Acknowledgment of Service are given with the accompanying form.

This Writ and Statement of Claim is issued by KSG Attorneys at Law for the Plaintiff whose address for service is 3<sup>rd</sup> Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107.

**STATEMENT OF CLAIM**

1. On 06 September 2024, the Plaintiff was working at the warehouse of the Defendant located at Industrial Park, Grand Cayman, Cayman Islands (the "**warehouse**"). He is employed there by the Defendant as a truck driver.
2. On or about that date, the Plaintiff, in the course of his employment, was working alongside his colleagues at the Defendant's warehouse.
3. The Plaintiff was walking across the warehouse floor to go outside, when Arsenio Gilera, an employee of the Defendant, drove a ride-on pallet into him crushing his legs between the ride-on pallet and some other pallets.
4. The Plaintiff sustained injury as a result.
5. The accident was reported to the Defendant's Health and Safety Officer.
6. The operator of the ride-on pallet was Arsenio Gilera, an employee of the Defendant.
7. The accident was caused by the negligence of the Defendant their employees or agents acting in the course of their employment.

**Particulars of Defendant's breach of statutory/regulatory duty**

8. The Defendant breached its statutory duty and regulatory duty as follows:
  - (a) Contrary to section 58 of the Labour Act (2020 Revision), failed to ensure the Plaintiff's health, safety and welfare at work as far as reasonably practicable.

**Particulars of Negligence**

9. The Defendant their employees or agents were negligent in that they:
  - (a) failed to ensure the health, safety and welfare of the Plaintiff;
  - (b) failed to take any or any reasonable care to ensure the Plaintiff would be reasonably safe in using the work premises;
  - (c) failed to operate safe systems of work;
  - (d) failed to provide any or any adequate training to their employees;
  - (e) failed to ensure that all machinery used was operated in a safe manner;
  - (f) failed to ensure that employees were suitably qualified;
  - (g) failed to ensure that employees were authorized and/or permitted to use all machinery including a ride-on pallet;

- (h) failed to ensure that machinery was operated in the appropriate manner according to its design, usage and instructions;
- (i) failed to ensure and/or check that the path and surrounding area was free and clear of pedestrians;
- (j) failed to ensure that all machinery was switched off when not in use;
- (k) failed to ensure that all machinery when not in use was appropriately stored in a safe place which does not cause obstruction or hazard.

10. The Defendant is vicariously liable for the acts/omissions of its employees.

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

### **Particulars of Injury**

12. The Plaintiff's date of birth is 20 July 1986 and at the date of the accident he was 38 years old.

13. The Plaintiff was taken by ambulance to the Accident and Emergency Department at George Town Hospital.

14. He underwent x-ray and CT imaging of his ankle, foot and chest. He was admitted to George Town Hospital for further treatment.

15. In summary, the Plaintiff sustained a crush injury to his feet. He fractured his right cuboid and his left navicular and tibia and suffered a wound injury to both his lower legs.

16. His left leg was placed in a cast and his right leg was placed in a medical boot.

17. He was discharged on 11 September 2024 with crutches and a walker and prescribed medication.

18. He was provided with a sick note.

19. He has suffered from anxiety, high blood pressure and insomnia. He was prescribed medication for panic attacks and for insomnia.

20. He continues to suffer from his injuries and his quality of life has been severely affected and further adverse sequelae cannot be ruled out.

21. 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**

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

23. The Plaintiff's particulars of special damage will be supplied at a later date by way of a schedule of damages including but not limited to claims for loss of income, medical treatment, travel, equipment and gratuitous care.

**Statement as to Interest**

24. The Plaintiff will claim interest pursuant to section 34 of the Judicature Act (2021 Revision) from 06 September 2024 to trial.

**AND THE PLAINTIFF CLAIMS:**

1. General Damages;
2. Special Damages;
3. Interest in accordance with the Judicature Act (2021 Revision);
4. Costs;
5. Such further or other relief that this Honourable Court deems just.

DATED this 09 day of July 2025.



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

TO: The Clerk of Court  
AND TO: The Defendant

This Writ and Statement of Claim is issued by KSG Attorneys at Law for the Plaintiff whose address for service is 3<sup>rd</sup> Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107.