



GRAND COURT OF THE CAYMAN ISLANDS
IN

CAUSE NO: OF 2026

BETWEEN:

DARREN DALE KIRCHMAN

PLAINTIFF

AND:

THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS

DEFENDANT

WRIT OF SUMMONS

TO: The Defendant
 The Attorney General of the Cayman Islands

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff of 61 East End, Grand Cayman KY1-1801, 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 11th day of February 2026

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 4th Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107.

STATEMENT OF CLAIM

1. At all material times, the Plaintiff has been employed as a Police Officer within the Royal Cayman Islands Police Service (RCIPS) by the Defendant.
2. On 29 March 2023, the Plaintiff was on active duty in the course of his employment when he was assigned to attend an incident at 5 Leonce Drive, Newlands, together with his colleague Officer Courtney Williams, following a report of an individual in a distressed mental state who was reportedly damaging property.
3. Upon arrival, the Plaintiff and Officer Williams observed that the individual was agitated and violent. The officers were advised that the individual was armed with a fishing knife and had been striking the wall of his residence. Additional support was requested from the oncoming shift.
4. While attempting to communicate with the individual, the situation escalated and the individual attacked the officers. The Plaintiff and Officer Williams concluded that, by reason of mental impairment or serious mental illness, the individual was an immediate danger, or likely to become a danger, to himself or other persons and that they should take him into protective custody under section 7 of the *Mental Health Act (2023 Revision)*.
5. During the course of the restraint, the Plaintiff sustained injuries to his right upper extremity, shoulder, and neck. He was subsequently diagnosed with right brachial plexus neuropathy involving severe axillary nerve injury, resulting in paralysis of the right deltoid muscle, chronic neuropathic pain, and marked functional impairment of the right upper limb.
6. The Plaintiff's injuries have rendered him unable to use his right arm and unable to perform normal police duties or any comparable work. He remains unfit for duty and has not been cleared to return to active service.
7. The Plaintiff had previously sustained serious injuries in a motor vehicle accident in March 2018 and had been placed on restricted duties by RCIPS on medical advice. Despite this, the Defendant required or permitted him to resume active operational duties, including the physical restraint of suspects, without adequate assessment or safeguards.
8. The Defendant was, or ought reasonably to have been, aware of the Plaintiff's medical restrictions arising from his prior injuries. In particular, a report by Dr Caroline Quartly dated 1 July 2019, addressed to the Commissioner of Police, warned that assigning the Plaintiff to shift work or strenuous duties placed him at "great medical risk" given his ongoing rehabilitation. Despite that knowledge, the Defendant required and/or permitted the Plaintiff to perform active operational duties, thereby exposing him to a foreseeable risk of further harm.

This Writ and Statement of Claim is issued by KSG Attorneys at Law for the Plaintiff whose address for service is 4th Floor, One Capital Place, 136 Shedden Road, George Town, Grand Cayman. P.O. Box 2255, KY1-1107.

9. By reason of the matters aforesaid, the Plaintiff suffered injuries, loss, and damage caused by the Defendant's negligence.

Particulars Of Negligence

The Defendant, by its servants, agents, and/or employees, was negligent in that it:

- a) failed, whether sufficiently or at all, to ensure the health, safety, and welfare at work of the Plaintiff;
- b) failed, whether sufficiently or at all, to provide and maintain a safe system and place of work;
- c) failed to pay any or any sufficient regard to the risk of personal injury to police officers inherent in taking people into protective custody under *section 7 Mental Health Act (2023 Revision)* and to implement any or any sufficient policy, procedures and training to guard against those risks;
- d) required or permitted the Plaintiff to perform active operational duties despite known medical restrictions;
- e) failed, whether sufficiently or at all, to conduct any or any adequate risk assessment before assigning the Plaintiff to field duties;
- f) failed, whether sufficiently or at all, to provide adequate supervision, training or alternative duties consistent with his medical limitations;
- g) failed, whether sufficiently or at all, to have or to implement proper policies and procedures to ensure medically restricted officers were not deployed to physically hazardous operations;
- h) exposed the Plaintiff to a foreseeable and avoidable risk of harm;
- i) failed to provide a workplace free from unnecessary risk of injury;
- j) failed to exercise reasonable care for the Plaintiff's safety in all the circumstances.

Breach Of Statutory Duty

10. Further and/or in the alternative, the Defendant was in breach of statutory duty contrary to section 58 of the *Labour Act (2021 Revision)* in that it failed to take all reasonably practicable steps to ensure the health, safety and welfare at work of the Plaintiff.
11. Further or in the alternative, the Plaintiff will rely on the doctrine of *res ipsa loquitur* in that he was injured in circumstances that would not ordinarily occur without negligence.

Particulars Of Personal Injury

12. The Plaintiff, whose date of birth is 1 April 1978, was 45 years of age at the date of the incident. He was in good health apart from pre-existing musculoskeletal injuries arising from a prior motor vehicle collision in 2018 for which he had been placed on restricted duties.

13. On 29 March 2023, during the course of restraining an aggressive individual while on active police duty, the Plaintiff sustained a sudden traction injury to his right shoulder and neck accompanied by immediate pain, weakness, and loss of function of the right upper limb.
14. The Plaintiff attended the George Town Hospital on 30 March 2023 where he was assessed in the Accident and Emergency Department for acute right shoulder and neck pain with associated weakness following the incident. He was examined, provided with intravenous analgesia including ketorolac, nalbuphine, and paracetamol, and admitted briefly to the Surgical Unit for observation and treatment. He was later discharged with medication and advice to follow up for further neurological assessment.
15. On 30 March 2023, the Plaintiff was admitted to the HSA for observation. A cervical spine X-ray and subsequent MRI were performed which showed mild degenerative changes from C3 to T1 with mild posterior disc bulging and minimal anterior central cord effacement.
16. The Plaintiff was thereafter referred to Health City Cayman Islands for neuro-electrophysiological assessment. On 6 April 2023, Dr Romnesh de Souza, Consultant Neurologist, performed a nerve conduction study and needle electromyography of both upper limbs. The study demonstrated severely decreased right axillary motor amplitude, active denervation of the right deltoid muscle, and findings consistent with right axillary neuropathy and bilateral mild carpal tunnel syndrome.
17. A further EMG and nerve conduction study were performed at Health City on 3 August 2023, again by Dr de Souza, which confirmed persistent and severe axillary nerve dysfunction without evidence of re-innervation. The report concluded that the Plaintiff was suffering from active and chronic denervating right axillary neuropathy.
18. The Plaintiff's symptoms worsened and he was referred overseas to the Mayo Clinic in Jacksonville, Florida. He was evaluated on 25 July 2023 by Dr Peter Murray, Consultant Orthopaedic Surgeon, who documented that the Plaintiff was unable to use his right upper extremity and was completely unfit for work from 25 July 2023 to 1 September 2023 pending further investigation.
19. At the Mayo Clinic, the Plaintiff underwent detailed neurological and orthopedic assessment. Examination revealed profound atrophy of the right shoulder girdle, loss of abduction, and decreased sensation over the right deltoid region consistent with an upper trunk brachial plexus injury. Diagnostic imaging and electrophysiological correlation confirmed right brachial plexus neuropathy involving the axillary and musculocutaneous nerves.
20. On 30 November 2023, the Plaintiff underwent right axillary nerve exploration and external neurolysis with intraoperative neural monitoring at the Mayo Clinic under the care of Dr Peter Murray. Operative findings confirmed continuity of the axillary

nerve but significant scarring and fibrosis within the quadrilateral space. The deltoid muscle showed evidence of chronic denervation and atrophy. The procedure was completed without complication, and the Plaintiff was advised to maintain immobilisation of the right arm followed by gradual physiotherapy.

21. Postoperative reviews in December 2023 and January 2024 recorded satisfactory wound healing but continued absence of active deltoid contraction and minimal abduction of the right shoulder. The Plaintiff was instructed to continue neuromuscular stimulation and strengthening therapy.
22. Follow-up medical reports from the Mayo Clinic in 2023 and early 2024 confirmed continuing denervation of the right deltoid, minimal recovery of motor power, and ongoing neuropathic pain.
23. The Plaintiff has been prescribed multiple medications including gabapentin, amitriptyline, tizanidine, and analgesics for neuropathic and musculoskeletal pain. He continues to require daily pain management and remains under the care of neurology and rehabilitation specialists.
24. Following the incident, the Plaintiff developed severe right axillary neuropathy associated with brachial plexus injury, resulting in significant weakness, loss of shoulder function, and sensory disturbance to the right upper limb. He underwent surgical exploration and prolonged rehabilitation.
25. Although some neurological recovery has occurred, the Plaintiff continues to experience residual weakness, altered sensation, and functional limitation affecting use of the right arm.
26. As a result of the injury, the Plaintiff has been substantially restricted in his ability to perform full operational policing duties and his future employment capacity remains uncertain.
27. The Plaintiff's prognosis remains guarded, with an ongoing risk of weakness, fatigue, and reduced endurance affecting his right upper extremity.

Particulars Of Special Damage

28. The Plaintiff has suffered and continues to suffer:

- a) pain, suffering, and loss of amenity;
- b) loss of income and employment benefits;
- c) costs of medical and surgical treatment, physiotherapy, and medication;
- d) costs of travel and care;
- e) ongoing loss of earning capacity and risk of future loss of income.

29. Full particulars of the Plaintiff's special damages and ongoing losses will be provided by way of a Schedule of Damages in due course.

30. Further, the Plaintiff is entitled to and claims interest on all damages owing to him pursuant to section 34 of the Judicature Act (2021 Revision) at such rate and for such period as the Court shall deem just.

AND THE PLAINTIFF CLAIMS:

1. Damages as aforesaid;
2. Interest thereon to be assessed;
3. Costs;
4. Such further or other relief as this Honourable Court deems just.

DATED this 11th day of February 2026



KSG Attorneys-at-Law
Attorneys for the Plaintiff

TO: The Clerk of Court

AND TO: The Defendant

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.

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION****CAUSE NO: OF 2026****BETWEEN:****DARREN DALE KIRCHMAN****PLAINTIFF****AND:****THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS****DEFENDANT****ACKNOWLEDGMENT 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 is acknowledged accordingly

(Signed).....
Attorney for

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

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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, One Capital
Place 136 Shedden Road
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.