

IN THE SUPREME COURT OF BERMUDA
CIVIL JURISDICTION

2026: No. 216

BETWEEN:

DARRION SIMONS

Plaintiff

-and-

THE ATTORNEY-GENERAL OF BERMUDA

Defendant

WRIT OF SUMMONS

CHARLES THE THIRD, by the
Grace of God, King of the United
Kingdom of Great Britain and
Northern Ireland and of His other
Realms and Territories, Head of the

WITNESS the Honourable Mrs. Subair-Williams Chief Justice of Our said Court, the
28th day of September 2026.

NOTE: This Writ may not be served more than twelve calendar months after the date of issue unless renewed by Order of the Court.

DIRECTIONS FOR ENTERING APPEARANCE

The Defendant may enter an Appearance in person or by an attorney by lodging the appropriate documents, duly completed, at the Registry of the Supreme Court, Hamilton, Bermuda, in accordance with the Rules of the Supreme Court 1985.

INDORSEMENT OF CLAIM

The Plaintiff's claim is for **damages for personal injuries, pain, suffering, loss of amenity, future medical treatment and consequential loss arising from negligence, medical and/or dental negligence, breach of duty and continuing negligent medical management** by servants and/or agents of the Crown and/or persons for whose acts and omissions the Crown is legally responsible.

The claim arises from dental treatment provided to the Plaintiff whilst he was an inmate in the custody of the Department of Corrections at Westgate Correctional Facility.

In or around **2021**, the Plaintiff underwent a tooth extraction arranged and provided through the Department of Corrections and/or Government of Bermuda.

The Plaintiff did not independently select or retain the dentist who provided the treatment.

The Plaintiff alleges that the extraction was performed negligently and/or without the reasonable skill and care expected of a competent dental practitioner and that, as a consequence, he sustained serious injury to the nerves of his mouth and/or tongue.

Following the extraction, the Plaintiff developed and continues to suffer from:

1. **complete loss of his ability to taste food;**
2. persistent numbness of his tongue;
3. suspected permanent lingual and/or other oral nerve damage;
4. constant and continuing oral pain;
5. episodes during which the pain becomes substantially more severe and at times unbearable;
6. abnormal and diminished sensation within his mouth;
7. interference with eating;
8. loss of enjoyment of food;
9. substantial continuing pain, suffering and loss of amenity; and
10. the prospect of requiring substantial future specialist medical, dental, surgical and pain-management treatment.

n. otherwise failing to exercise the reasonable care and skill required in the circumstances.

The Plaintiff reserves the right to amend and/or supplement these particulars following disclosure of his dental and medical records and receipt of appropriate independent expert evidence.

INJURY AND LOSS

As a result of the matters complained of, the Plaintiff has suffered serious and continuing personal injuries including permanent or long-term loss of taste, tongue numbness, nerve dysfunction, chronic pain and substantial loss of amenity.

The Plaintiff has endured these symptoms from approximately 2021 to the present date.

The Plaintiff requires independent assessment by an appropriately qualified **oral and maxillofacial surgeon and/or specialist experienced in lingual and oral nerve injury**, together with such neurological, ENT, pain-management and sensory testing as may be medically indicated.

PROVISIONAL VALUE OF CLAIM

Pending full specialist assessment, the Plaintiff presently values his claim at approximately:

A. General Damages for Pain, Suffering and Loss of Amenity

BMD \$175,000

This includes the combined consequences of:

- complete loss of taste;
- continuing tongue numbness;
- nerve injury;
- constant and chronic pain;
- episodes of severe and at times unbearable pain;
- interference with eating;
- loss of enjoyment of food;
- loss of normal oral sensation; and
- approximately five years of continuing suffering and loss of amenity.

B. Future Medical Care, Treatment and Rehabilitation

BMD \$300,000

The Plaintiff presently estimates his future medical and care requirements as follows:

Oral/maxillofacial and lingual nerve specialist assessment and investigation:

BMD \$35,000

Potential nerve exploration, repair, grafting, reconstruction and/or other oral surgical treatment:
BMD \$100,000

Long-term specialist pain management and treatment:
BMD \$60,000

Future medication and pharmaceutical treatment:
BMD \$25,000

Ongoing dental and oral rehabilitation:
BMD \$30,000

Neurology, ENT, taste-function, sensory and nutritional assessment and rehabilitation:
BMD \$20,000

Continuing specialist follow-up and additional treatment contingency:
BMD \$30,000

TOTAL FUTURE CARE

BMD \$300,000

TOTAL PROVISIONAL VALUE OF CLAIM

GENERAL DAMAGES: BMD \$175,000
FUTURE CARE AND TREATMENT: BMD \$300,000

TOTAL: BMD \$475,000

The above valuation is **provisional and is not pleaded as a cap upon the Plaintiff's damages.**

The Plaintiff has not yet been afforded the specialist medical examinations necessary to determine conclusively the precise nerve injured, the extent of the damage, permanency, prognosis, future treatment requirements and lifetime cost of care.

The Plaintiff therefore expressly reserves the right to **amend, increase and/or further particularise his damages** following disclosure, specialist examination and receipt of expert medical evidence.

RELIEF CLAIMED

The Plaintiff claims:

1. Damages for negligence and/or medical and dental negligence;
2. General damages for pain, suffering and loss of amenity;
3. Special damages;
4. Future medical, dental, surgical, neurological and pain-management expenses;
5. Future care and rehabilitation expenses;

6. Damages in respect of the continuing negligent failure adequately to investigate, refer, diagnose and treat the Plaintiff following the extraction;
7. Interest pursuant to statute and/or the inherent jurisdiction of the Court;
8. Costs; and
9. Such further or other relief as the Court considers just.

The Plaintiff presently estimates the total value of his claim at **BMD \$475,000**, subject to medical evidence and amendment.

INDORSEMENT AS TO PLAINTIFF AND ADDRESS

This Writ is issued by the Plaintiff **in person**.

Plaintiff:

Darrion Simons
Westgate Correctional Facility

Occupation/Description:

Inmate / Prisoner

Dated this 15 day of September 2026.

Darrion Simons

Plaintiff in Person

Simons. D

INDORSEMENT AS TO SERVICE

This Writ was served by me upon the Defendant at:

Attorney-General's Chambers
Global House, 4th Floor
43 Church Street
Hamilton HM 12
Bermuda

on the ____ day of ____ 2026.

Signature of person effecting service

Address: _____

Indorsed the ____ day of ____ 2026.