

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

CAUSE NO. 63 of 2011



**B E T W E E N:**

**PAULINE EBANKS**

**(As Personal Representative of the Estate of Bruce Lee G. Ebanks, deceased)**

Plaintiff

and

**(1) ALEXANDER CALLAN**

**(2) THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS**

Defendants



**WRIT OF SUMMONS**

TO: The First Defendant  
ALEXANDER CALLAN  
Grand Cayman, Cayman Islands

AND TO: THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS  
ATTORNEY GENERAL'S CHAMBERS  
GOVERNMENT ADMINISTRATION BUILDING  
GRAND CAYMAN  
CAYMAN ISLANDS

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 the Court Office, P.O. Box 495 Grand Cayman KY1-1106, Cayman Islands, 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 28<sup>th</sup> day of February, 2011**

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.

**Indorsement as to insurers of motor vehicles pursuant to Grand Court  
Rules, Order 6, rule 4(1).**

To the best of the Plaintiff's personal representative's knowledge and belief the first Defendant was uninsured when driving on Friday, 29<sup>th</sup> February 2008.

The Second Defendant is a branch of the Cayman Islands Government, namely the police force, and to the best of the Plaintiff's personal representative's knowledge and belief its insurers include **Sagicor General Insurance (Cayman Ltd.)**, now **Cayman First Insurance Company Limited**, PO Box 2171, 3<sup>rd</sup> Floor Harbour Place, 131 South Church Street, George Town, KY1-1105.

**GENERAL ENDORSEMENT**

The Plaintiff's claim is for:

1. Damages for the Plaintiff's Dependents pursuant to the Tort (Reform) Law (1996 Revision) arising out of a fatal motor vehicle accident on Friday, 29<sup>th</sup> February 2008 near the Ritz Carlton Grand Cayman on West Bay Road ("the Accident"):
2. The Accident was caused or contributed to by the negligent driving of the first Defendant who was the driver of the motor vehicle ("the Motor Vehicle") that he drove in a dangerous and negligent manner and speed.
3. The Plaintiff was front seat passenger in the Motor Vehicle.
4. Further or alternatively, the Accident was caused or contributed to by the second Defendants' servants or agents driving their police vehicles negligently / in breach of statutory duty / Royal Cayman Islands Police force guidelines pursuing the Motor Vehicle at very high speeds.
5. The pursuit ended in the Motor Vehicle driven by the first Defendant crashing and causing the death of the Plaintiff and Mr. Sydney Myles, the back seat passenger.

**AND THE PLAINTIFF CLAIMS:**

- (1) Damages on behalf of the Plaintiff's Dependents under the Tort (Reform) Law (1996 Revision). Such damages will include funeral expenses and the customary award for loss of expectation of life.
- (2) Interest on the said damages pursuant to section 34 of the Judicature law (2007 Revision).

DATED THIS 28<sup>th</sup> DAY OF FEBRUARY 2011

*Priestleys*  
\_\_\_\_\_  
**PRIESTLEYS**

This Generally Endorsed Writ of Summons is issued by Priestleys Attorneys-at-Law for the Plaintiff herein whose address for service is Units 11 & 12 Galleria Plaza, 638 West Bay Road, P.O. Box 30310, Grand Cayman, KY1-1202

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE  
OF WRIT OF SUMMONS**

1. The accompanying form of *Acknowledgement 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, PO Box 495, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 endorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2). The defence must be served within fourteen (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 endorsed on the Writ, the defence need not be served until fourteen (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 fourteen (14) days after his Acknowledgement, 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.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
2. For the purpose of calculating the period of fourteen (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 authorized to act on behalf of the Company, but the Company can take no further steps in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL HEALTH 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 2011

**B E T W E E N:**

**PAULINE EBANKS**

**(As Personal Representative of the Estate of Bruce Lee G. Ebanks, deceased)**

Plaintiff

and

**(1) ALEXANDER CALLAN**

**(2) THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS**

Defendants

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**ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS**

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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.*

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1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

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2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)

Yes [ ]      No [ ]

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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 [ ]

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Service of the Writ is acknowledged accordingly

(Signed) \_\_\_\_\_

Address for service:

*Please see 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 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.

*Endorsement by Plaintiff's Attorney (or by Plaintiff if suing in person) of his name, address and reference, if any, in the box below.*

**PRIESTLEYS**  
ATTORNEYS-AT-LAW  
UNITS 11 & 12, GALLERIA PLAZA  
638 West Bay Road  
PO BOX 30310  
GEORGE TOWN, GRAND CAYMAN  
CAYMAN ISLANDS, KY1-1202

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

[Empty box for Defendant's Attorney endorsement]

This acknowledgment of service is issued by Priestleys Attorneys-at-Law for the Plaintiff herein whose address for service is Units 11 & 12 Galleria Plaza, 638 West Bay Road, P.O. Box 30310, Grand Cayman, KY1-1202

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE  
OF WRIT OF SUMMONS**

4. The accompanying form of *Acknowledgement 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, PO Box 495, George Town, Grand Cayman.

5. A Defendant who states in his Acknowledgement 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).

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If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

6. 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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for fourteen (14) days after his Acknowledgement, 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.

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9. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
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Plaintiff

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**(1) ALEXANDER CALLAN**

**(2) THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS**

Defendants

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4. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

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5. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)

Yes [ ]      No [ ]

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6. 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 [ ]

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Service of the Writ is acknowledged accordingly

(Signed) \_\_\_\_\_

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*Endorsement by Plaintiff's Attorney (or by Plaintiff if suing in person) of his name, address and reference, if any, in the box below.*

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UNITS 11 & 12, GALLERIA PLAZA  
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PO BOX 30310  
GEORGE TOWN, GRAND CAYMAN  
CAYMAN ISLANDS, KY1-1202

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

[Empty box for Defendant's Attorney endorsement]

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