

Writ of Summons (O.6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
HOLDEN AT GEORGE TOWN, GRAND CAYMAN



CAUSE NO. 90 OF 2011

BETWEEN  
AND:

LINVAL HUNTER  
ANNA SCHOLENBERG-EBANKS

PLAINTIFF  
DEFENDANT

SPECIALLY ENDORSED WRIT OF SUMMONS

TO: THE DEFENDANT: ANNA SCHOLENBERG-EBANKS, #9 Vikville Dr, North West Point Road, West Bay, 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 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 21 day of March 2011

NOTE - This Writ may not be served later than 4 calendar 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.

## **STATEMENT OF CLAIM**

1. On Sunday 7 March 2010 the Plaintiff was driving a Chrysler Cruiser motor vehicle, registration number 136062, north along West Bay Road in the vicinity of Calico's Jack.
2. The Defendant was also driving north along the same road. The Defendant so negligently drove a Pontiac Grand Am motor vehicle, registration number 99413, that it collided into the rear of the Plaintiff's motor vehicle. As a result of the impact the Chrysler Cruiser motor vehicle was pushed 75 feet off the roadway onto the beach. The Pontiac Grand Am motor vehicle suffered major damage to the front section. The Chrysler Cruiser motor vehicle suffered damages to the right rear including the right rear light.

## **PARTICULARS OF NEGLIGENCE**

- (a) Driving too fast in the circumstances and failing to keep any proper look-out or to have any or sufficient regard for other traffic on the road such that the Defendant collided into the rear of the Plaintiff's motor vehicle.
  - (b) Failing to pay any or sufficient attention to the traffic.
  - (c) Failing to stop, to slow down, to swerve, or in any other way so as to manage or control her motor vehicle so as to avoid the collision with the Plaintiff's motor vehicle.
3. Further, the Defendant was charged in Criminal Case no: 05615/2010(1-2) on her own plea of guilty to the traffic offences of Careless Driving and Driving Under the Influence of Alcohol under Section 69 Traffic Law (2003 Revision and Section 71(1)(a) Traffic Law (2003 Revision). The said offences are relevant to the issue of negligence and the claimant intends to rely on it as evidence in this action.
  4. By reason of the matters aforesaid, the Plaintiff sustained personal injuries and has suffered loss and damage.

## **PARTICULARS OF INJURIES**

5. The Plaintiff's date of birth is 16 December 1969. He suffered from whiplash for which he was discharged from the hospital with oral and topical antibiotics. Subsequently he showed signs of a concussion because of the jerk to his brain which caused some swelling resulting in nausea and dizziness. Since the accident the Plaintiff has continued to have such symptoms.

**PARTICULARS OF SPECIAL DAMAGE**

<u>Date</u>	<u>Name of Reciept</u>	<u>Billed</u>	<u>Paid Amount</u>
13-Jan-11	KY IMAGING LTD.	4965.8	2978.98
13-Jan-11	CAYMAN ISLANDS HEALTH SERV.	871.67	871.67
13-Jan-11	VICTOR LOOKLOY MD	186.89	186.89
13-Jan-11	VICTOR LOOKLOY MD	207.91	166.33
13-Jan-11	VICTOR LOOKLOY MD	207.91	166.33
13-Jan-11	VICTOR LOOKLOY MD	186.01	148.81
13-Jan-11	VICTOR LOOKLOY MD	145.72	140.98
13-Jan-11	VICTOR LOOKLOY MD	145.72	116.58
13-Jan-11	VALU- MED PHARMACY	36.65	27.49
13-Jan-11	VALU- MED PHARMACY	31.7	23.78
13-Jan-11	AIRPORT CENTRE PHARMACY	26.28	19.71
13-Jan-11	AIRPORT CENTRE PHARMACY	23.51	17.63
13-Jan-11	AIRPORT CENTRE PHARMACY	6.72	6.72
13-Jan-11	VALU- MED PHARMACY	8.04	6.03
13-Jan-11	VALU- MED PHARMACY	6.96	5.22
15-Oct-10	53 APT. T JOES WEST BAY	200	200
3-Aug-10	AIRPORT CENTRE PHARMACY	4.82	4.82
3-Aug-10	AIRPORT CENTRE PHARMACY	66.13	66.13
23-Jul-10	BRITCAY	200	200
16-Jul-10	53 CAPTAIN JOE WEST BAY (Legal Fees)	250	250
9-Jun-10	TRAFFIC ACCIDENT REPORT	75	75
14-May-10	DR. VICTOR LOOKLOY #34	40	40
11-May-10	VALU- MED PHARMACY	36.65	9.2
11-May-10	VALU- MED PHARMACY	31.7	7.95
28-Apr-10	BRITCAY	145.72	140.98
27-Apr-10	DR. VICTOR LOOKLOY #34	120	120
23-Apr-10	CAYMAN ISLANDS HEALTH SERV.	714.78	142.96
16-Apr-10	HEALTH SERVICES AUTHORITY	27.5	27.5
8-Mar-10	AIRPORT CENTRE PHARMACY	19.79	19.79
8-Mar-10	AIRPORT CENTRE PHARMACY	5.39	5.39
<b><u>Total</u></b>		<b>8994.97</b>	<b>6192.87</b>

The Plaintiff is employed by Calico Jacks as a Chef. As a consequence of his injuries he was unable to attend work on two separates occasions thus incurring ten (10) days sick leave for which the Plaintiff has not been paid a salary. All further special damages will be particularised in due course.

AND the Plaintiff claims

(i) Damages

(ii) Further, pursuant to The Judicature Law (1995 Revision), the Defendant is entitled to and claims interest on such sums as are found to be due at such rate and for such period as the Court shall think fit.

(iii) Costs



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**Clyde H. Allen, Chambers**

THIS WRIT was issued by Clyde H. Allen, Chambers on behalf of the Plaintiff whose address for service is P.O. Box 31076 SMB, 2nd Floor, Suite 10, Jack & Jill Building, 19 Fort Street, KYI-1205, George Town, Grand Cayman, Cayman Islands.

IN THE GRAND COURT OF THE CAYMAN ISLAND  
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO. OF 2011

BETWEEN LINVAL HUNTER PLAINTIFF  
AND: ANNA SCHOLENBERG-EBANKS 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.

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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 a 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

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Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

Address for service: (please see overleaf)

*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 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.*

Clyde Allen  
Clyde H. Allen, Chambers,  
Attorneys-At-Law  
PO Box 31076SMB  
Jack & Jill Bldg, KY1-1205  
Grand Cayman  
Cayman Islands

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