

IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO. <sup>116</sup> OF 2011  
L/A 111/09

BETWEEN:

BARBARA EBANKS

PLAINTIFF

AND:

GREGORY DONALDSON HUNTER



DEFENDANT

**WRIT OF SUMMONS**

TO: Gregory Donaldson Hunter  
16 Willow Lakes  
Savannah

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, PO Box 495 GT, 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 1<sup>st</sup> day of April, 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 Acknowledgment 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 knowledge and belief the Defendant was insured when driving on April 4, 2008 and to the best of the Plaintiff's knowledge and belief the Defendant's insurers were **Sagicor General Insurance (Cayman Ltd.)**, now **Cayman First Insurance Company Limited**, PO Box 2171, 3rd Floor Harbour Place, 131 South Church Street, George Town, KYI-II05. The Registered Owner of the insured vehicle is Caroline Hunter, Hyundai Elantra, Licence Plate 101 694.

**GENERAL INDORSEMENT**

1. The Plaintiff's claim is for General and Special Damages arising from the extensive injuries sustained by the Plaintiff following a Motor Vehicle Accident which occurred on April 4, 2008 at Crewe Road, George Town near Tropical Gardens.
2. The Motor Vehicle Accident and the aforementioned injuries were caused by the negligence of the Defendant who operated the vehicle which hit the Plaintiff, a pedestrian, negligently causing the Plaintiff loss, damage, pain and suffering.
3. The Motor Vehicle Accident occurred when the vehicle operated by the Defendant struck the Plaintiff while she was crossing the street.
4. The Plaintiff claims:
  - a. General Damages; and
  - b. Special Damages.
5. In addition, the Plaintiff claims pre-judgment and post-judgment interest on General and Special damages in accordance with the Judicature Law and at a daily rate of interest established at the discretion of this Honourable Court, together with Court costs and legal fees.
6. Such further and other relief as this Honourable Court may deem just and equitable.



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BODDEN & BODDEN  
Attorneys-at-Law

**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 495GT, 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 (ie., 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 installments 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 of 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 his 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.

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AND:

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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 of Summons is being acknowledged.

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2. State whether the Defendant intends to contest or otherwise participate in 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 of Summons is acknowledged accordingly.

(signed) \_\_\_\_\_  
Attorney for the Defendant

**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 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.*

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