

IN THE GRAND COURT OF THE CAYMAN ISLANDS

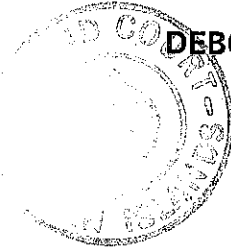
290  
CAUSE NO. OF 1997

BETWEEN: WILLIAM HENRY EBANKS

PLAINTIFF

AND: DEBORAH MARTIN

DEFENDANT



WRIT OF SUMMONS



TO: Deborah Martin

c/o The Wharf Restaurant, West Bay Road, George, Grand Cayman

**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 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 2nd day of May, 1997.

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.

**STATEMENT OF CLAIM**

1. On November 9, 1996, the Plaintiff was walking along the left side of Watercourse Road in the vicinity of Rupert Ebanks residence, when the Defendant so negligently drove her Toyota Motor-car along the road that it collided with the Plaintiff and knocked him to the ground.

**PARTICULARS OF NEGLIGENCE**

- (a) Driving at a speed which was too fast in the circumstances.
- (b) Failing to keep any or any proper look out or to have any or any sufficient regard for pedestrians walking along the side of the road.
- (c) Failing to see the Plaintiff in sufficient time to avoid colliding with or at all.
- (d) Failing to give any or any adequate warning of her approach.
- (e) Failing to stop, to slow down, to swerve or in any other way so to manage or control her motor car as to avoid colliding with the Plaintiff.



2. By reason of these matters, the Plaintiff sustained injuries and has suffered, loss and damages.

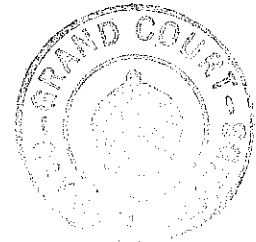
### PARTICULARS OF INJURIES

The Plaintiff is an amputee aged 55 years, has suffered the following injuries:-

- (a) Bruising of the back over the areas of the 10th/12th thoracic and 1st/2nd lumbar vertebrae.
- (b) Bruising of the left ankle and soft tissue contusion to the left ankle.
- (c) Contusion of the left chest wall.
- (d) Persistent aches and pains in the left knee, left shoulder, left elbow, lower back, neck, forehead and left lower limb.

### PARTICULARS OF DAMAGE

- (e) Pain and suffering.
- (f) Loss of sleep and constant discomfort.
- (g) Mental anguish.
- (h) Loss of mobility.
- (i) Loss of clothing.
- (j) Loss of a pair of crutches.

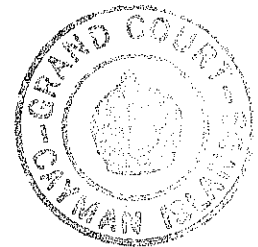


(k) Loss of opportunity.

**And the Plaintiff claims:**

- (i) Damages to be assessed;
- (ii) Interest on damages pursuant to the Judicature Law (1995 Revision).
- (iii) Further and/or other relief.

To: The Clerk of the Court  
And to: The Defendant  
And to: The Defendants Insurers  
Cayman General Insurance Co. Ltd  
P.O. Box 2171  
Grand Cayman  
Cayman Islands  
B.W.I.



**DATED** this 2nd day of May, 1997

*HUNTER ; HUNTER .*

Hunter & Hunter  
Attorneys-at-Law for the  
Plaintiff

THIS WRIT was issued by Hunter & Hunter, Attorneys-at-Law for the Plaintiff whose address for service is The Huntlaw Building, P.O. Box 190, George Town, Grand Cayman, Cayman Islands.(Ref:NJ/e0369IL.wp)

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