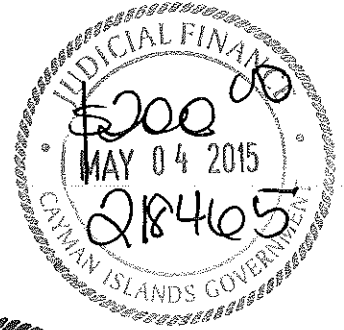
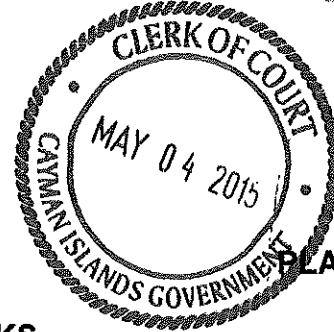


IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL JURISDICTION  
CAUSE NO. G0073 OF 2015



IN THE MATTER Of The  
Estate Of Willard McLaren Welcome



GILBERT McLEAN

PLAINTIFF

RICHARD TRUMAN EBANKS

DEFENDANT

**WRIT OF SUMMONS**

TO: Richard Truman Ebanks  
#31 Northward Road  
Bodden Town  
Grand Cayman

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff as the sole Executor of the late Willard McLaren Welcome in respect of the claim set out on the next page.

Within fourteen (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 Courts Office, P.O. Box 495, Grand Cayman, Cayman Islands, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest these proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 4<sup>th</sup> day of May 2015.

**NOTE:** This Writ may not be served later than four (4) calendar months (or if leave is required to effect service out of the jurisdiction, six (6) months) beginning with the date of re-issue unless renewed by Order of the Court.

**IMPORTANT**

Directions for Acknowledgement of Service are given with the accompanying form.

## **STATEMENT OF CLAIM**

1. The Plaintiff is the Executor of the late Willard McLaren Welcome (hereinafter called "the Deceased") who died at the George Town Hospital, Grand Cayman, Cayman Islands on the 19<sup>th</sup> day of October 2013.
2. The Deceased, a retired civil servant, was at all material times a self-employed tax-cab driver.
3. The Defendant is and was at all material times employed as a Security Officer with the firm, Airport Professional Services at the Owen Roberts International Airport.
4. On Saturday, 5<sup>th</sup> May 2012 at approximately 10:30 p.m. a collision occurred on Bodden Town Road in the vicinity of Midland Acres between a Grey 2000 Toyota Gravia Mini Van Registration Number 67228 owned and driven by the Deceased late of #2438 Sea View Road and a Black 1997 Dodge Caravan owned and driven by the Defendant.
5. The said collision was caused by the negligence of the Defendant.

### **PARTICULARS OF NEGLIGENCE**

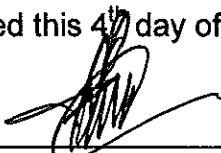
- 5.1. The Defendant was negligent in that:
  - 5.1.1. Whilst approaching a left hand bend he failed to properly negotiate the corner and in so doing continued straight over into the path of the vehicle travelling in the opposite direction that was owned and driven by the Deceased.
  - 5.1.2. Failed to stop, to slow down or in any way so to control the said vehicle as to avoid colliding with the Deceased.

- 5.1.3. Drove at a speed which was excessive in all the circumstances.
- 5.2. The Plaintiff intends to rely at trial for the purpose of proving the matters set out in paragraph 5 hereof, the charge and subsequent conviction of the accused for driving under the influence of alcohol.
6. By reason of the matters aforesaid, the Deceased sustained serious injuries, suffering, damage, loss and expenses.
- 6.1. Particulars of Injuries
- 6.1.1. Multiple lacerations to scalp/face.
- 6.1.2. Severe head and spinal injuries giving rise to diagnosis of permanent quadriplegia.
- 6.2. As a result of the said injuries the Deceased was hospitalized both locally and abroad with no prospect of recovery from the spinal injuries giving rise to pain, suffering, loss of all bodily functions and complete paralysis from the region of the base of the neck throughout the body.

IN THE PREMISES

7. The Plaintiff as the Executor of the Deceased claims:
- 7.1. Damages.
- 7.2. Interest at the Statutory Rate.
- 7.3. Costs.

Dated this 4<sup>th</sup> day of May 2015



---

**GILBERT McLEAN**  
Executor of the late  
Willard McLaren Welcome ("the Deceased")

**TO:** The Clerk of the Court

**AND TO:** Richard Truman Ebanks  
#31 Northward Road  
Bodden Town, Grand Cayman

**This Writ of Summons and Statement of Claim is filed by Gilbert McLean in his capacity as the Executor of the late Willard McLaren Welcome (Deceased) whose address for service is #2718 Shamrock Road, Grand Cayman.**

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

**CAUSE NO.:** *G0073* OF 2015

**IN THE MATTER of the Estate of  
Willard McLaren Welcome**

**BETWEEN:**

**GILBERT McLEAN**  
as the Executor of the late  
Willard McLaren Welcome

**PLAINTIFF**

**AND:**

**RICHARD TRUMAN EBANKS**

**DEFENDANT**

**ACKNOWLEDGE OF SERVICE**  
**OF WRIT OF SUMMONS**

If you intend to instruct an Attorney to act for you, give him this 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.

---

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

---

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

Yes

No

---

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

---

Service of the Writ is acknowledged accordingly.

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

[Attorney] for: \_\_\_\_\_

[Defendant in person] \_\_\_\_\_

Address for service: \_\_\_\_\_

---

**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 case of a limited company, "residence" means its registered or principle 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.*

Gilbert McLean  
#2718 Shamrock Road  
Grand Cayman

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