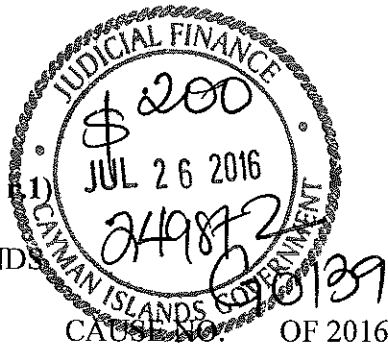
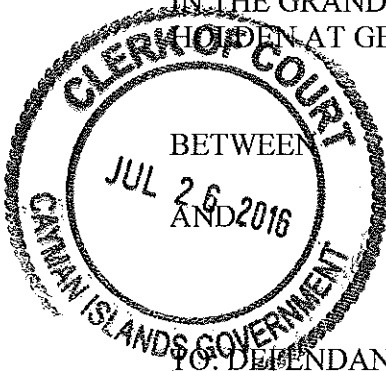


Writ of Summons (O.6, 1)



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



BETWEEN  
JUL 26 2016  
AND

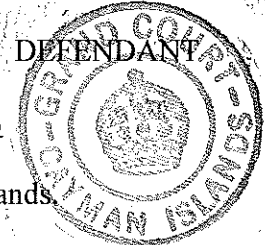
DUJOY OLIVER ALLEN

PLAINTIFF

NICHOLAS EBANKS

DEFENDANT

SPECIALLY ENDORSED WRIT OF SUMMONS



PO. DEFENDANT: NICHOLAS EBANKS, Grand Cayman, Cayman Islands

AND TO: The Insurance Company of the West Indies (Cayman) Ltd, PO Box 461 KY1-1106, 150 Smith Road, George Town, 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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 26<sup>TH</sup> day of July 2016

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. The Plaintiff worked for the CI Government as a Solid Waste Driver's Assistant in the Department of Health. The Plaintiff's place of work is at the Department of Environmental Health Solid Waste Section, off North Sound Road, George Town, Grand Cayman.
2. On 27 July 2013 the Plaintiff was being driven to his place of work as a passenger in a motor vehicle, Toyota Pickup, registration number 137897. The motor vehicle was being driven by his co-worker, Ronald Rudolph Douglas ("Douglas").
3. At approximately 3.43 am on Saturday, 27 July 2013 Douglas was driving along Easterly Tibbets Highway in his motor vehicle towards the Butterfield Roundabout when in the vicinity of the development known as Lakeside Crew Road, a motor vehicle, a Honda CRV, immediately in front of Douglas, applied its brakes which caused Douglas to apply his brakes. The vehicle immediately behind Douglas a 1996 Honda CRV SUV registration number 127614 which was being driven by the Defendant, collided into the rear of the Douglas' motor vehicle and pushed it with such force that Douglas' vehicle to hit a CUC pole and caused serious damage to the Plaintiff.
4. The collision into the rear of Douglas' vehicle was caused by the negligence of the Defendant's driving.

### **Particulars of Negligence**

- a) Driving at an excessive speed
  - b) Failing to keep any or any proper look-out or to have any or any sufficient regard for other road users.
  - c) Driving too close to the motor vehicle.
  - d) Running into the rear of the motor vehicle.
  - e) Failure to see the Plaintiff in sufficient time to avoid colliding with him or at all.
  - f) Failure to stop, to slow down, to swerve, or in any way so to manage or control the motor vehicle as to avoid or prevent the collision.
5. By reason of these matters, the Plaintiff sustained injuries and he has suffered loss and damage.

### **Particulars of Injuries**

- a. The Plaintiff's date of birth is 12 July 1972. As a result of the accident, the Plaintiff has suffered lacerations to his right arm and traumatic cubital tunnel syndrome resulting in pain which has been confirmed by Dr. Quartly in November 2013. The injuries are documented in a report prepared by Dr John Lee dated 27 April

2016. The Plaintiff's injuries are affecting his ability to work as thus far he has been limited to light duties.

**Particulars of Special Damage**

6) Date	Description	Amount
(Thus far the Plaintiff has not suffered any Special Damages as his employers have paid all of his medical expenses)		

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

C.H.A.  
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, 19 Fort Street, KYI-1205, George Town, Grand Cayman, Cayman Islands.

No.8

Acknowledgement of service of writ of summons (0.12, r.3)

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 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 495G, 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 indorsed on the Writ (i.e. 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 judgement 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 the 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 liquidation 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 stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make or payment of the money by instalments 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 Acknowledgement of Service and return it to the Courts Office.
2. For the purpose of calculating the period of the 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 deferent 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 step in the proceedings without an Attorney acting on its 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.

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

CAUSE NO.      OF 2016

BETWEEN                      DUJOY OLIVER ALLEN                      PLAINTIFF  
AND:                              NICHOLAS 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.

---

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 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

---

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.*