

Form NO. 1

Writ of SUMMONS [06, R 1



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 218 OF 2016

BETWEEN CADIAN EBANKS

Plaintiff

AND SAXON MG. INSURANCE COM.

1<sup>ST</sup> DEFENDNT

AND CARLTON SMITH

2 ND DEFENDANT



WRIT OF SUMMONS



TO SAXON M.G. INSURANCE COMPANY, EASTERN AVENUE... GEORGE TOWN,

THIS WRIT HAS BEEN ISSUED AGAINST YOU BY THE ABOVE NAME PLAINTIFF IN RESSPECT OF THE CLAIM ON THE NFXT PAGES

WITHIN 14 DAYS, AFTER SERVICE, OF THIS WRIT ON YOU counting the day of service on you , must either satisfy ,the claim or return to the COURT"s OFFICE P.O . BOX 495. GEORGE TOWN GRAND CAYMAN, THE ACKNOWLEDGMENT OF SERVICE form, stating there in whether you intend to contest these proceedings,

if you fail to satisfy, or to return the acknowledgment of service without stating therein an intention to contest the proceeding, the plaintiff may proceed with the action and judgment may be entered against you without any further notice .

SNigned by CADIAN EBANKS *Rachael Elbert*

Date 24 THIS DAY of NOVEMBER 2016,

NOTE THIS WRIT MAY NOT BE SERVED LATER THAN [4 ] CALANDER 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

## STATEMENT OF CLAIM

THE PLAINTIFF CLAIMS ,THAT on July 30 you made SAXON M,G, INSURANCE COMPANY, LIABLE TO THE PUBLIC, AND ALL OTHER ROAD USERS ,

THE PLAINTIFF CLAIMS THAT SAXON M,G, INSURED YOU BY GUARANTEE AND BY THE INSURANCE LAW OF THE CAYMAN ISLAND REALTIVE TO THE NATIONAL ROAD CODE OF THE CAYMAN ISLANDS , **One ROAD MENACE** , TO enable you to use AND YOU DID, USE THE PUBLIC ROADS of the Cayman Islands A TWO LANE ROAD contrary, to, NAMELY EASTERN AVENUE.

THE PLAINTIFF CLAIMS THAT Carlton smith being the driver of motor VEHICLE plate number 126071.did drive the [pajero ]registered vehicle to Lozano Avolasless that collided with the dodge diplomat contrary to the road code and markings on the road and at such a speed that the driver was un- able to control after over taking a line of vehicles in the left lane about 6 vehicles being areless, and reckless, against the oncoming traffic on the opposite side on the road as photographs indicate ,

THE PLAINTIFF claims that photographs don't LIE.

THE plaintiff claims that his dodge diplomat is TOTALLED and leaves him THE PLAINTIFF, without a vehicle to do his shopping and all other business, THE DODGE DIPLOMAT REGISTERED TO CADIAN EBANKS OF WEST BAY THE PLAINTIFF, is totaled and he has sustained back , **INJURIES**, and is now suffering with back pain from the accident on July 30th injuries which he is seeking claims for NOT ONLY WAS THE classic car WITH A VAUE of not less than [ \$ \$.48, 000 , 00. ] CI dollars for resale in us,as intended, in the U SA. MARKET, is higher

THE PLAINTIFF SAY that mr. smith did drive on the opposite side on the road as photographs indicate as he passed the line of vehicles on the left before he collided with the dodge car and pushe it iback about 15 fee, from where the road was painted, a bus was at the front of the line of the line of vehicles shielding and waiting for theplaintiff vehicle ,to pull out. The bus DRIVER on the leftwas headed towards SAXON MG. office .the dodge car front was onr the center line of the road when it was struck by the palero headed towards west bay.the plaintiff was taken to the hospital BY AMBULANCE with some pain in the back and XRAYEd, and released a short time later,

and later WAS TAKEN TO HIS HOME IN WEST BAY BUT LATER RETURNED TO THE HOSPITAL as  
th medication faded and the pain got more intense he later returned to the hospital  
for EXRAYED of the back and returned again being advised by a U S Doctor, who the plaintiff  
knew and the conditions and what to look forward to and for

THE PLAINTIFF IS NOW ASKING THE SAXON MG NSURANCE COMPANY TO FURNISH A CAR TO  
THE PLAINTIFF THE PLAINTIFF IS SEEKING AN AWARD THROUGH THE GRAND COURT FOR [  
\$.10,598000 00,TEN MILLION FIVE HUNDRED& NINETY EIGHTTHOUSAND CAYMAN DOLLARS,

TRUE the COURT FOR INJURIES AND pain and suffering and possible future operations HE  
SUSTAINED IN THE ACCIDENT FROM SAXON M G . INSURANCE COMPANY FOR INJURIES  
SUSTAINED IN THE ACCIDENT ON JULY 30/2016

SIGNED CADIAN EBANKS *Cadian Ebanks*

Dated this 29 day of NOVEMBER 2016

AND THE PLAINTIFF CLAIMS FROM THE SAXON MG INSURANCE COMPANY AND  
CARLTON SMITH \_\_\_\_\_

[ \$ 10, 598 000 ,00.] MILLION CAYMAN DOLLARS FOR

Injuries to himself and his vehicle totaled''S NOT INCLUDE MEDICAL HOSPITAL  
BILLS GOVERNMENT H S A .

CAR RENTALS @ 50 PER DAY PAID BY THE PLAINTIFF HIMSELF FROM 30<sup>TH</sup> JULY)  
W/INTEREST 18% PER [100 00

FILING FEES [\$200.00

ALL ATTORNEY FEES N/A

ALL COURT COST section 34 of the JUDICATURE law]1995revision \ at The rate  
oo 5% per annum from the date of filing of the date o settlement .

## DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE

SHOULD BE COMPLETED BY AN ATTORNEY ,

1 The accompanying form of acknowledgment of service should be completed by an attorney acting in behalf of the defendant IF ACTING IN PERSON.

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, the words " Statement of claim Appear on 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 summons for judgment is served on the defendant .

If the statement of claim is not indorsed on the Writ the defence not be served until 14 days after a statement of claim has been served on the defendant .

3 A stay of Execution against the defendant's goods may be applied for where a 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 [ that is 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 , will be stayed for 14 days after his acknowledgment of execution but he must at that time issue a summons for a stay of execution , supported by an affidavit of his means The affidavit state any offer which the defendant desires to make for payment of the money by instalments or otherwise.

Overleaf]

IN THE GRAND COURT OF THE CAYMAN ISLANDS.

CAUSE NO      OF 2016

BETWEEN CADIAN EBANKS

PLAINTIFF

AND SAXON MG INSURANCE COMPANY

1<sup>st</sup> defendant

And CARLSTON SMITH

2<sup>ND</sup> 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 have to be returned .

Delay may result in judgment being entered against a defendant whereby he may have to pay the cost applying to set it aside

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State the full name of the defendant by whom or on whose behalf the service of the Writ.

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State Whether the defendant intends to contest or otherwise participate in

## Notes for guidance

1 Each defendant [ if there are more one ]is required to complete an acknowledgment of service and return it to the Court's office .

2 For the purpose of calculating the period of 14 days for acknowledging Service of a WRIT served on the defendant personally is treated as been served on th 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 a partner with the addition in paragraph [ 1] of the words sued of the description in the firm-----after his name

4 where the defendant is sued as a individ trading in a name OTHER THAN his an the form must be completed by him with

5 the defendant is a limited company the form must be completed by an Attorney or by some authorized 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,

6 Where the defendant is a minor or a mental patient the form be completed by an attorney acting for a guardian

7 A defendant acting Acting in person may obtain help In completing the form at the Courts office.

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