

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 764 OF 1997

BETWEEN: **GINA TERRY**
(Widow and Joint Administratrix of the
estate of Donald Terry, deceased) First Plaintiff

AND: **BENTON CONOLLY**
(Joint Administrator of the
estate of Donald Terry, deceased) Second Plaintiff

AND: **NORA EBANKS** First Defendant

AND: **IMELDA DIXON** Second Defendant

AND: **THE COMMISSIONER OF POLICE OF THE
ROYAL CAYMAN ISLANDS POLICE FORCE** Third Defendant

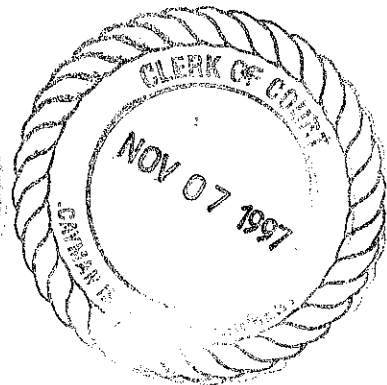
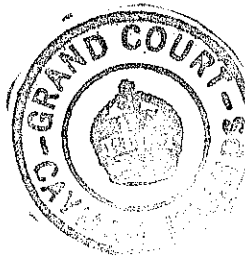
AND: **HER MAJESTY'S ATTORNEY GENERAL
OF THE CAYMAN ISLANDS** Fourth Defendant

WRIT OF SUMMONS

TO: Nora Ebanks
c/o Central Police Station
George Town
Grand Cayman

AND TO: Imelda Dixon
c/o Central Police Station
George Town
Grand Cayman

AND TO: The Commissioner of Police of the
Royal Cayman Islands Police Force
Tower Building
George Town
Grand Cayman



AND TO: Her Majesty's Attorney General of the Cayman Islands
c/o Legal Department
Tower Building
George Town
Grand Cayman

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs in respect of the claim set out below.

Within Fourteen days [14] 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.

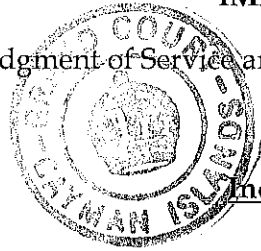
If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 7th day of November, 1997

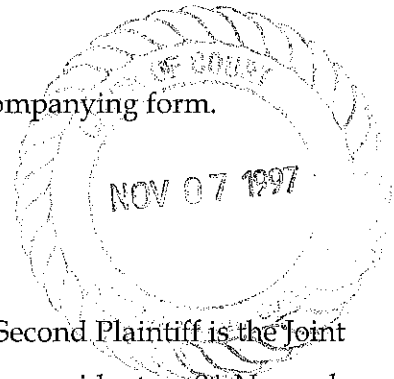
NOTE - This Writ may not be served later than 4 calendar months beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

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




Indorsement



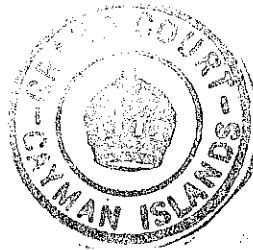
The First Plaintiff is the widow and Joint Administratrix, and the Second Plaintiff is the Joint Administrator, of the estate of the late Donald Terry, who died in an accident on 8th November 1996 on the main road between East End and George Town, in the vicinity of Moon Bay Condominiums, caused by the negligence of the Third and Fourth Defendants and/or the First and Second Defendants as their constables, servants or agents in the driving of a police patrol car. The Plaintiffs claim damages on behalf of the First Plaintiff and the Plaintiff's estate and the First Plaintiff's children, Gabriella Terry, date of birth 15th May 1992, and David Terry, date of birth 31st October 1989, under the provisions of (i) The Torts (Reform) Law (1996 Revision), (ii)

The Estates Proceedings Law (1995 Revision), and (iii) in so far as the Plaintiffs' claim is against the Crown through its officers the Third and/or Fourth Defendants, the Crown Proceedings Law (1997 Revision), together with interest pursuant to Section 34 of the Judicature Law (1995 Revision) at the prescribed rate of 7.375% from the date of the accident or alternatively at such rate and for such period as the Court shall think fit, and costs.



QUIN & HAMPSON
Attorneys-at-Law for the Plaintiffs

THIS WRIT was issued by Quin & Hampson, Attorneys-at-Law, for and on behalf of the Plaintiffs herein, whose address for service is Harbour Centre, Third Floor, P.O. Box 1348, George Town, Grand Cayman.



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 495G, 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 (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 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 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 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.

BETWEEN: **GINA TERRY**
(Widow and Joint Administratrix of the
estate of Donald Terry, deceased) First Plaintiff

AND: **BENTON CONOLLY**
(Joint Administrator of the
estate of Donald Terry, deceased) Second Plaintiff

AND: **NORA EBANKS** First Defendant

AND: **IMELDA DIXON** Second Defendant

AND: **THE COMMISSIONER OF POLICE OF THE
ROYAL CAYMAN ISLANDS POLICE FORCE** Third Defendant

AND: **HER MAJESTY'S ATTORNEY GENERAL
OF THE CAYMAN ISLANDS** Fourth 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 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

Please complete below

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 plaintiffs' Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Quin & Hampson
Attorneys-at-Law
Harbour Centre, Third Floor
P.O. Box 1348
George Town,
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.