
STATEMENT OF CLAIM

1. At all material times, the Plaintiff, Eleina Vanessa Ebanks, was the owner and operator of a Honda Stream motor vehicle registration number 205 825.
2. The Defendant, Gleton Telfer, was at all material times the owner and operator of a 2008 Subaru Legacy motor vehicle registration number 200 288.
3. On or about March 1st 2022, the Plaintiff was lawfully driving her car along Shamrock Road, from her home in East End traveling towards Bodden Town. As she turned a corner, she was confronted with the Defendant's vehicle traveling towards her in her lane at a speed in excess of the speed limit. In an effort to avoid a collision the Plaintiff attempted to swerve but she was unable to avoid the Defendant from crashing into her vehicle. The resulting head on collision caused by the Defendant caused the Plaintiff's vehicle to spin approximately 200 meters and crash into a light pole.
4. The collision was caused by the negligence of the Defendant and/or the breach of his statutory duties under Sections 67 and 68 of the *Traffic Act 2021*.

PARTICULARS OF NEGLIGENCE

5. The Defendant was negligent and guilty of breach of the said statutory duties by:
 - a) Driving at a rate of speed that was too fast in all the circumstances;
 - b) Driving his vehicle in the opposing (wrong) lane when it was unsafe and unlawful to do so;
 - c) Failing to see the Plaintiff in time or at all;
 - d) Failing to exercise due care and attention when using the road and failing to have due regard to the safety of other road users;
 - e) Failing to stop, swerve, steer or otherwise maneuver his vehicle so as to avoid the collision;
 - f) Failing to drive at a speed and in a manner and at a distance from other vehicles as to be able to stop without being involved in a collision;
 - g) Failing to drive in such a manner as to have full control of the vehicle at all times;
 - h) Failing to keep any proper look out in front of him;
 - i) Failing to apply his brakes whether in time or at all;
 - j) Failing to maintain lane discipline;
 - k) Overtaking when it was unsafe to do so; and/or

- l) Failing to exercise reasonable skill and care to be expected of a reasonably skillful and careful driver in the circumstances
6. Further or alternatively, the Plaintiff relies upon the doctrine of *res ipsa loquitur*. The Defendant having driven his vehicle on the wrong side of the road and into the Plaintiff's vehicle.
7. By reason of the Defendant's negligence and/or breaches of duty, the Plaintiff has suffered serious and permanent life-changing injuries, losses and damage.

PARTICULARS OF INJURIES

8. The Plaintiff, whose date of birth is December 11, 1985 was 37 years old on the date of the collision.
9. As a result of the speed of the impact the Plaintiff's vehicle was damaged to the extent that the Plaintiff was trapped in the vehicle and had to be removed by the Cayman Islands Fire Department. The Plaintiff was rushed by ambulance to the emergency room at the George Town Hospital for treatment.
10. The Plaintiff suffered serious injuries as a result of the collision and continues to suffer from the injuries sustained. The injuries include, but are not limited to, the following:
 - a) Brain injury
 - b) Degloving head/scalp injury;
 - c) Concussion;
 - d) Blurred vision;
 - e) aches and pains in her scapula, sacrum, tailbone, and pelvis;
 - f) multiple fractures to the pelvis;
 - g) a fracture to the left fibula;
 - h) a fracture to the clavicle;
 - i) tingling in her arms;
 - j) a fracture to three vertebrae (C6, L2 and L5);
 - k) extensive scarring;
 - l) neck pain;
 - m) pain in her left leg and ankle;
 - n) severe headaches;
 - o) severe insomnia and brain fog;
 - p) sleep disturbance;
 - q) anxiety ;
 - r) post-traumatic stress disorder; and
 - s) low mood.

11. The Plaintiff's quality of life has been severely affected and further adverse sequelae cannot be ruled out. The Plaintiff reserves the right to provide further and better particulars of her injuries prior to trial.

PARTICULARS OF SPECIAL DAMAGES

12. The Plaintiff has suffered losses and incurred expenses as a result of the collision which are ongoing. Full particulars of special damage will be supplied at a later date by way of a schedule of damages, including but not limited to claims for loss of income, medical treatment, travel, equipment, gratuitous care, interest and costs.

AND THE PLAINTIFF CLAIMS:

- (1) Damages;
- (2) Pre-Judgment interest in accordance with Section 34 of the *Judicature Act* (2017 Revision);
- (3) Post-Judgment interest in accordance with Section 34 of the *Judicature Act* (2017 Revision);
- (4) Costs;

Dated this 11th day of May 2023.



Broadhurst LLC
Attorneys-at-Law for the Plaintiff

This Writ of Summons and Statement of Claim is issued by Broadhurst LLC, Attorneys-at-Law for the Plaintiff, whose address for service is 4th Floor, Monaco Towers, 54 Edward Street, P.O. Box 2503, Grand Cayman KY1-1104, Cayman Islands.

INDORSEMENT AS TO INSURER OF MOTOR VEHICLE

The Plaintiffs' claims arise out of the use of a motor vehicle on a public road. The insurer of the vehicle of the Defendant named herein is CG BritCay, BritCay House, 236 Eastern Avenue, George Town, Grand Cayman, KY1-1102, Cayman Islands.

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS**

1. The accompanying form of *Acknowledgement 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, PO Box 495, 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 endorsed on the Writ (i.e. the words “Statement of Claim” appear on the top of page 2). The defence must be served within fourteen (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 endorsed on the Writ, the defence need not be served until fourteen (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 fourteen (14) days after his Acknowledgement, 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.

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 fourteen (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 is 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 steps in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL HEALTH 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 ISLANDS
CIVIL DIVISION

CAUSE NO: OF 2023

BETWEEN:

ELEINA VANESSA EBANKS

Plaintiff

AND

GLETON TELFER

Defendant

ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you, give him/her 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 [] No []

Service of the Writ is acknowledged accordingly

(Signed) _____
[Attorney] for
[Defendant in Person]
Address for service:

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 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.

Endorsement by Plaintiff’s Attorney (or by Plaintiff if suing in person) of his name, address and reference, if any, in the box below.

BROADHURST LLC
ATTORNEYS-AT-LAW
54 Edward Street, P.O. Box 2503
George Town, Grand Cayman,
Cayman Islands, KY1-1104

Endorsement by Defendant’s Attorney (or by Defendant if suing in person) of his name, address and reference, if any, in the box below.