



**D COURT OF THE CAYMAN ISLANDS**

**CIVIL DIVISION**

**Cause No:                      of 2024**

**BETWEEN:**

**TONILEE LORETTA HUTCHINSON  
(As Administratrix of the Estate of  
SHAYNE ANTHONY EWART, Deceased)**

**PLAINTIFF**

**AND:**

- (1) TARRICK KEVIN CRAWFORD**
- (2) THE COMMISSIONER OF POLICE**
- (3) THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS**

**DEFENDANTS**

**WRIT OF SUMMONS**

**TO:                      Tarrick Kevin Crawford**  
72B Powell Smith Road  
West Bay  
Grand Cayman

**And to:                The Commissioner of Police**  
Royal Cayman Islands Police Service  
c/o Royal Bank of Canada Building, 4<sup>th</sup> Floor  
24 Shedden Road  
George Town  
Grand Cayman

**And to:                The Attorney General of the Cayman Islands**  
c/o Fourth Floor, Government Administration Building  
133 Elgin Avenue  
George Town  
Grand Cayman

**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff of 99 Smith Road, George Town, Grand Cayman, Cayman Islands 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 495, 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 Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 12<sup>th</sup> day of January 2024

NOTE - This Writ may not be served later than 4 calendar 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.

### IMPORTANT

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

### GENERAL ENDORSEMENT

1. The Plaintiff is the mother of Shayne Anthony Ewart, deceased, and brings this action on behalf of his estate and as a dependant of the deceased pursuant to the Torts (Reform) Act (1996 Revision) and pursuant to the grant of letters of administration in the estate of the late Shayne Anthony Ewart on 24<sup>th</sup> June 2022.
2. The said Shayne Anthony Ewart died on 16<sup>th</sup> January 2021 in a road traffic accident on the West Bay Road, Grand Cayman when the vehicle in which he was travelling as a front seat passenger (and driven by the 1<sup>st</sup> Defendant) collided with a concrete structure.
3. This claim is brought against the 1<sup>st</sup> Defendant as the driver of the 2003 Honda Accord motor vehicle registration mark 187 296 in which the deceased was a front seat passenger and or against the 2<sup>nd</sup> Defendant being in command or in charge of the Royal Cayman Islands Police Service and whose servant or agent was the driver of a Ford Taurus police car registration mark 159 956 (and for whose actions the 2<sup>nd</sup> Defendant is vicariously liable) that gave chase to the vehicle driven by the 1<sup>st</sup> Defendant. The 3<sup>rd</sup> Defendant is joined pursuant to the requirements of the Crown Proceedings Act (1997 Revision).
4. The Plaintiff claims for loss and damage on behalf of the estate and or pursuant to the said Torts (Reform) Act (1996 Revision) to be assessed and to include loss and damage by way of dependency, distress and inconvenience, funeral expenses and special losses including out of pocket expenses and costs. The Plaintiff further claims interest pursuant to the Judicature Act (2021 Revision) and the Grand Court Rules.

Dated this 12<sup>th</sup> day of January 2024



**McGrath Tonner**  
**Attorneys-at-Law**

**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 the Defendant's Acknowledgment of Service that the Defendant 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 the Defendant 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 the Defendant intends to apply for a stay, execution will be stayed for 14 days after that Defendant's Acknowledgment, but the Defendant must, within that time, issue a Summons for a stay of execution, supported by an affidavit of the Defendant's means. The affidavit should state any offer which the Defendant desires to make for 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 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 the Defendant.
3. Where the Defendant is sued in a name different from the Defendant's own, the form must be completed by the Defendant 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 that Partner's name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN THAT PERSON'S OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after that Defendant's 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 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 ISLANDS  
CIVIL DIVISION

Cause No: of 2024

BETWEEN:

TONILEE LORETTA HUTCHINSON  
(As Administratrix of the Estate of  
SHAYNE ANTHONY EWART, Deceased)

PLAINTIFF

AND:

- (1) TARRICK KEVIN CRAWFORD
- (2) THE COMMISSIONER OF POLICE
- (3) THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS

DEFENDANTS

**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 the Defendant may have to pay the costs of applying to set it aside.

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

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

yes  no

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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

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Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

**Please complete overleaf**

This Writ of Summons is issued by McGrath Tonner, Attorneys at Law to the Plaintiff and whose address for service is 5<sup>th</sup>

**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, the Defendant must give the Defendant's post office box number and the physical address of the defendant's residence or, if the Defendant does not reside in the Cayman Islands, the Defendant must give an address in Grand Cayman where communications for the Defendant 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.

McGrath Tonner  
Attorneys at Law  
5<sup>th</sup> Floor Genesis Building  
Genesis Close  
PO Box 446  
George Town  
Grand Cayman  
Ref. PJ / 14932-001

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