

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 441 OF 2003

**BETWEEN: CARLOS ISRRAEL EBANKS (a minor,  
by his next of kin VILMA EBANKS)**

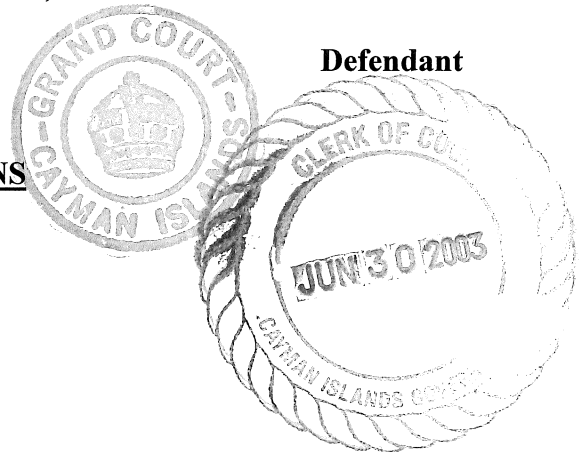
**Plaintiff**

**AND: CHUCK MOBLEY**

**Defendant**

**WRIT OF SUMMONS**

To: Mr. Chuck Mobley  
P.O. Box 31198 SMB  
c/o Polar Bear Air Conditioning Ltd.  
North Sound Road  
George Town, Grand Cayman  
Cayman Islands, B.W.I.



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 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 495GT, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement 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 30<sup>th</sup> day of June, 2003

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.

**STATEMENT OF CLAIM**

1. The Plaintiff was at all material times the mother of Carlos Isrrael Ebanks, a minor and resides at Prospect, Grand Cayman.
2. The Defendant was at all material times a resident of West Bay Road, occupies a house located on the beach side across from the Merren's Plaza, George Town, Grand Cayman and is the father of a young girl with whom the Plaintiff's minor son had an acquaintance.
3. On Saturday, 3rd May, 2002 between the hours of 8:30 p.m. and 10:30 p.m., the Plaintiff's minor son and the Defendant's minor daughter were walking along the beach in the vicinity of the Defendant's home when suddenly and without warning the Defendant chased the Plaintiff's minor son along the beach and across the West Bay Road main road and caught up with him by the Northern end of the Merren's Plaza Building. The Defendant grabbed the Plaintiff's minor son in his shirt collar and threw his body from side to side until his shirt was torn. The Defendant repeatedly banged the Plaintiff's minor son's head into the metal rail of the building causing the Plaintiff's minor son to sustain injuries. The Plaintiff's minor son felt dizzy and very frightened and was in a lot of pain.
4. The injuries was caused by the Defendant and the Defendant is liable for loss and damages.
5. By reason of the matters aforesaid, the Plaintiff's minor son sustained pain and injury and suffered loss and damages.

**PARTICULARS OF INJURY**

- (a) shock and severe pain;
- (b) laceration to the left eye brow;

- (c) abrasions to the left wrist and hand;
- (d) multiple abrasions to the face including bruising to the forehead, left ear and right cheek;

6. The Plaintiff's minor son was born on the 19th May, 1987 and was 14 years old at the date of the incident. The Plaintiff's minor son was found by the road by a stranger who rendered assistance and her minor son was later taken to the Accident and Emergency Department of the George Town Hospital where he was examined, received stitches to laceration to his right eye brow, treated for pain and was discharged.
7. Unfortunately, the laceration to the Plaintiff's minor son's eye brow was not well opposed and so the Plaintiff's minor son was taken to the Chrissie Tomlinson Memorial Hospital the following day where he received further treatment and released and returned for follow-up treatments. At trial the Plaintiff will rely on medical reports from Dr. S. A. Tomlinson.
8. Prior to the incident, the Plaintiff's minor son enjoyed a healthy and happy life style. He was a very active and friendly young man and played on his school's soccer team. He was very helpful in and around the house.
9. After the incident, the Plaintiff's minor son became afraid of talking to his friends or even to go out at nights. He was not able to play foot ball for quite some time while he recovered from his injuries, shock and pain. He was not able to attend school for a period of time. He had night mares and woke up at nights screaming on several occasions. He fears meeting the Defendant and he feels afraid that the Defendant may attack him again. He is left with a permanent scar in his face.
10. The Plaintiff was scheduled to go on vacation abroad, the day after the incident. She was compelled to cancel her travel arrangements and she lost one week of her vacation

in order to stay home and render nursing care to her son. The Plaintiff was deprived of her full vacation abroad.

**PARTICULARS OF DAMAGES**


**Special Damages**

Medical expense	CI\$1,370.84
Travelling expenses to and from doctor	300.00
Cost of shirt	<u>30.00</u>
Total Special Damages	<u>CI\$1,700.34</u>

**AND THE PLAINTIFF CLAIMS:**

- (a) Special and General Damages
- (b) Pre judgment interest
- (c) Post judgment interest
- (c) Costs

Dated this 27th day of June, 2003

  
KEITH COLLINS & COMPANY  
Attorneys-at-Law for the Plaintiff

To: The Clerk of Clerk

And to: Quin & Hampson  
Attorneys-at-Law for the Defendant

This Writ of Summons was issued by Keith Collins & Company, Attorneys-at-law for the Plaintiff herein whose address for service is that of his said Attorneys-at-law, Unit 207, Elizabethan Square, George Town, Grand Cayman

IN THE GRAND COURT OF THE CAYMAN ISLANDS

441  
CAUSE NO: OF 2003

BETWEEN:

PLAINTIFF

AND:

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.

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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

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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 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.*

Keith Collins & Company  
Attorneys-at-Law  
Unit 207, Elizabethan Square  
P.O. Box 2250GT  
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.*

Acknowledgment of service of writ of summons (O.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 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 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 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 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.