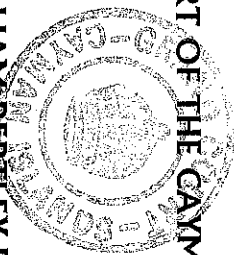


IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO. 125 OF 2006

BETWEEN: WILLIAM BERTLEY EBANKS 1ST PLAINTIFF
 MATTHEW EBANKS (A MINOR) BY HIS
 NEXT FRIEND WILLIAM BERTLEY EBANKS 2ND PLAINTIFF

AND: WILLIAM GIBBONS 1ST DEFENDANT
 MARSHALL'S RENT A CAR 2ND DEFENDANT



TO : William Gibbons of #16 Turtle Beach Villas, Grand Cayman, Cayman Islands and

AND TO: Motor & General Insurance Co. Ltd. P.O. Box 1094 GT, 320 Shedden Road, George Town, Grand Cayman, Cayman Islands

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 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 Courts Office, P.O. Box 495 G, 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 31st day of March 2006.

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.

INDORSEMENT OF INSURER

The Plaintiff's claim arises out of the use of a motor vehicle on a public road. The insurer of the Defendants at the relevant time is Motor & General Insurance Co. Ltd. The Insurers address for service is 320 Shedden Road, George Town, Grand Cayman, Cayman Islands. See attached Statement of Claim for further particulars.

This Writ was issued by Waide DaCosta, LLB, Attorney-at-Law for the Plaintiff whose address for service is P.O. Box 10638 APO, 29 & 30 the Strand, George Town, Grand Cayman, Cayman Islands

STATEMENT OF CLAIM

1. The 1st Plaintiff is a businessman and resides in West Bay, Grand Cayman. The 2nd Plaintiff is the minor son of the 1st Plaintiff and his next friend and guardian ad litem who were at all material times resident in the Cayman Islands. At the time of the accident the 2nd Plaintiff was 13 years of age.
2. The Defendant was a resident of the island and the driver of a Ford Mustang motor vehicle, registration no. 78797 owned by the 2nd Defendant, at all times (the "Defendant's Vehicle").
3. At approximately 6:58p.m. on 3rd April 2003, the Plaintiffs, who were both wearing seatbelts, were traveling from West Bay towards George Town in a Gray Nissan motor vehicle registration no. 71107 on the West Bay Road in the vicinity of the Falls Shopping centre when without warning the 1st Defendant turned suddenly into the path of the Plaintiff's vehicle from the center turning lane causing the Plaintiff's vehicle to collide into the front of the Defendant's vehicle, causing major damage to both vehicles and causing injury to the Plaintiffs.
4. The 1st Plaintiff sustained injuries to chest and left arm and was diagnosed with Whiplash.
The 2nd Plaintiff sustained an injury to his head as a result of the collision.
5. The Plaintiffs makes claim for injuries sustained and damages incurred as a result of the said accident pursuant to The Torts (Reform) Law (1996 Revision) and the common law. The Plaintiffs state that the 1st Defendant negligently operated his vehicle and as a result of such negligence caused the above-described accident and caused injuries to the Plaintiffs for which the Defendant is responsible at law and in equity. The 2nd Defendant is vicariously liable for the said actions of the 1st Defendant.

PARTICULARS OF NEGLIGENCE

6. The accident and the resulting injuries to the Plaintiffs resulted solely from the negligence and/or recklessness of the 1st Defendant in the operation of the Defendant's vehicle, the particulars of which are set out below:
 - (a) driving without due care and attention;

- (b) failing to observe or heed the presence of the Plaintiff's vehicle on the road;
 - (c) failing to remain in proper control of the vehicle;
 - (d) failing to avoid the collision with the Plaintiffs;
 - (e) driving in such a speed and manner as to be unable to stop in the event of an emergency;
 - (f) failing to keep any proper look out or to have any sufficient regard for other road users;
 - (g) failing to give any or any adequate warning to the Plaintiffs of his approach and/or the collision by indicators, horn or otherwise.
7. The fact that the 1st Defendant drove his vehicle into the path of the Plaintiffs' vehicle at such close proximity is evidence in itself of negligence and breach of the common law and statutory duties that the Defendant owed to the Plaintiffs. The Plaintiffs plead and rely upon the doctrine of *res ipsa loquitur*.
8. By reason of the Defendant's negligence, the Plaintiffs suffered injuries and pain which the Defendant is responsible for at law and in equity.

PARTICULARS OF INJURIES

9. As a result of the accident, the 1st Plaintiff suffered the following injuries:
- (a) retro-sternal pain and pain to the occipital area;
 - (b) abrasion to his left arm;
 - (c) Soft tissue injuries, contusions to his chest and back;
 - (d) whiplash;
10. As a result of the accident the 2nd Plaintiff suffered the following injuries:
- (a) Soft tissue injuries, contusions to his chest and head;
11. At the time of the accident the 1st Plaintiff and 2nd Plaintiff were in good health and the 2nd Plaintiff enjoyed an active social, family and sporting life.
12. Full particulars of the Plaintiffs injuries will be disclosed in advance of trial as part of the discovery process in this cause.

13. The Plaintiffs will provide details of the claim for special damages in advance of the trial in this cause.

14. As a result of the above the Plaintiffs are entitled to the relief claimed in this proceeding.

AND the Plaintiffs claims:

- (1) Special damages for medical care, losses for paid and unpaid assistance and other expenses arising from the accident and the Plaintiffs injuries and future medical expenses to be incurred;
- (2) General Damages for pain, suffering, scarring and loss amenity;
- (3) Interest on all sums due found to the Plaintiff pursuant to S. 34 Judicature Law (2004 Revision) at such rate and for such period as may be just.
- (4) Costs.
- (5) Such Further or other relief as may be deemed just by this Honourable Court.

Dated this 31st March 2006.



Waide DaCosta
Attorney-at-Law for the Plaintiffs

This Statement of Claim was issued by Waide DaCosta, LLB, Attorney-at-Law for the Plaintiffs whose address for service is P.O. Box 10658 APO, 29 & 30 the Strand, George Town, Grand Cayman, Cayman Islands