

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. *190* OF 2006
L/A CERT. 68/06

BETWEEN: LEE-ANN EBANKS

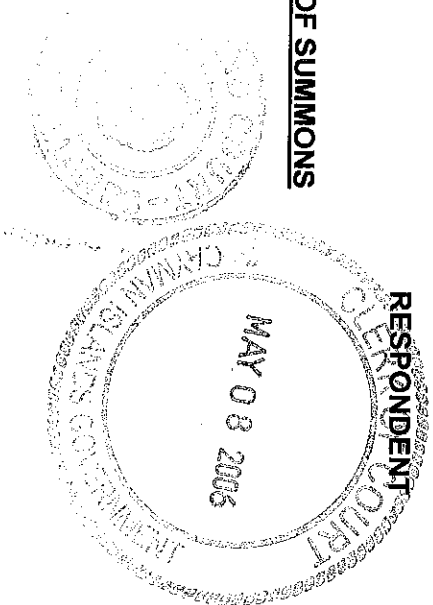
APPLICANT

AND: IVAN EBANKS

RESPONDENT

WRIT OF SUMMONS

TO: IVAN EBANKS
 62 BONNSOL CRESCENT,
 OFF FINCH DRIVE,
 BIRCH TREE HILL,
 WEST BAY
 GRAND CAYMAN



THIS WRIT OF SUMMONS has been issued against you by the above-named Applicant 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 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 Applicant may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this *8th* day of *May* 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.

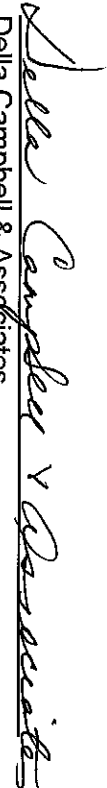
STATEMENT OF CLAIM

1. The Applicant is a resident of West Bay, Grand Cayman, Cayman Islands and the Respondent's wife.
2. The Respondent is a resident of West Bay, Grand Cayman, Cayman Islands and the Applicant's husband.
3. The Respondent has been pursuing a course of conduct which amounts to harassment and physical abuse of the Applicant.
4. The parties co-habited as man and wife since 1999 when the Applicant was 16 years old and the Respondent was 28 years old.
5. The parties were married on January 6th, 2003. Following the marriage, the parties resided in West Bay, Grand Cayman. At the time of the marriage, the Applicant was 20 years old and the Respondent was 32 years old.
6. The Applicant has a 6 year old son from a previous relationship. The Respondent raised the Applicant's son from the time the son was 4 months old. The parties have a 4 year old daughter together.
7. Since the celebration of the marriage, the Respondent has repeatedly abused the Applicant cruelly. The Respondent is a controlling, jealous husband who is abusive and possessive. The Respondent abuses alcohol and whenever he does, his abuse of the Applicant increases.
8. In 2005, the Respondent was ordered by the Summary Court to attend Alcoholic Anonymous ("AA") and the Domestic Violence programs for counselling. The Respondent does not attend the AA meetings.
9. The Respondent is a known drug pusher in the district of West Bay. The Respondent owns a house and a vehicle, all debt free, although he has not worked since the parties started having a relationship in 1999.
10. The Respondent has repeatedly told the Applicant in public that he is going to maim her or kill her.
11. The Respondent's behaviour has proven to be is extremely dangerous and life threatening to the Applicant.
12. The Respondent is a mature adult and ought to know that his course of conduct is unacceptable behaviour.
13. In 2002, the Respondent savagely beat the Applicant with a golf club for which he was jailed.
14. In 2004, the Respondent broke the Applicant's right arm following a heated argument.
15. In 2005, the Respondent abducted the Applicant from her father's car and drove her to a remote area in West Bay, where he proceeded to viciously stab her in her head and neck with a knife.

16. In April of 2006, the Respondent damaged the Applicant's vehicle, as well as her mother's vehicle. Later that month, the Respondent, in a fit of anger, strangled the Applicant's 6 year old son until the child urinated himself.
17. The Applicant is in a state of emotional stress as she can no longer live with the distress caused by the Respondent's threats, his dangerous acts and abuse.
18. In mid April of 2006, the Applicant took her children, moved out of the matrimonial home and went to live with her mother, who lives adjacent to the Respondent.
19. The Respondent has stalked the Applicant, poured water in the gas tank of her vehicle which has destroyed it. The Respondent constantly phones the Applicant and threatens her. The Respondent also asks his friends to phone the Applicant to harass her.
20. Due to the various assaults against the Applicant, the Respondent has committed torts by assaulting and harassing the Applicant as mentioned above.

AND THE APPLICANT seeks:

1. An injunction with an attached Penal Notice restraining the Respondent in the following manner:
 - a. An Order restraining the Respondent at all times from the Applicant, the children and from the home where they presently live, specifically that:
 - i. The Respondent not come within 100 yards of the Applicant or any premises where she may work or reside;
 - ii. The Respondent not come within 100 yards of the children or any premises where they may reside or attend school;
 - iii. The Respondent not have any contact with the Applicant or the children either directly, indirectly or by any electronic means;
3. Any other relief this Honourable Court deems fit.
4. Costs to the Legal Aid Fund.


Della Campbell & Associates
Attorneys-at-Law

Acknowledgement of writ of summons (0.12, 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 Respondent or by the Respondent 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 Respondent who states in his Acknowledgment of Service that he intends to contest the proceedings must also serve a defence on the Attorney for the Applicant (or on the Applicant 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 Respondent.

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 Respondent.

If the Respondent fails to serve his defence within the appropriate time, the Applicant may enter judgment against him without further notice.

3. A Stay of Execution against the Respondent's goods may be applied for where the Respondent is unable to pay the money for which any judgment is entered. If a Respondent 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 Respondent 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 Respondent (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 Respondent personally is treated as having been served on the day it was delivered to him.
3. Where the Respondent 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 Respondent 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 Respondent 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 Respondent 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 Respondent is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
8. A Respondent acting in person may obtain help in completing the form at the Courts Office.

Notes on address for service

Attorney: where the Respondent is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Respondent may not act by a foreign attorney.

Respondent in person: where the Respondent 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 Applicant's Attorney (or by Applicant if suing in person) of his name, address and reference, if any, in the box below.

Della Campbell & Associates
Suite C4, Trafalgar Place
1428 Seven Mile Beach
PO Box 2102 GT
Grand Cayman
Cayman Islands

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

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