

IN THE GRAND COURT OF THE CAYMAN ISLANDS

395  
CAUSE NO. OF 2006  
L/A NO. 134/06

BETWEEN: ERNA EBANKS

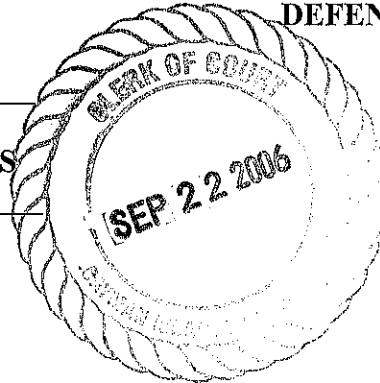
PLAINTIFF

AND: TAMMY ANDERSON

DEFENDANT



WRIT OF SUMMONS



TO: Tammy Anderson  
P.O. Box 358  
Grand Cayman KY1-1302  
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 Court Office, P.O. Box, 495GT, George Town, Grand, Cayman, the accompanying Acknowledgement of Service stating 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 judgement may be entered against you forthwith without further notice.

Issued this 22<sup>nd</sup> day of September 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. At all material times both the Plaintiff and the Defendant were residents of the Cayman Islands.
2. The Defendant was at all material times, the owner and driver of a 1996 Honda Saber, registration number 96-555 ('the vehicle').
3. On or about the 18<sup>th</sup> day October 2004, the Plaintiff was walking on the off-left side of Poinciana Drive, West Bay, headed towards West Bay Road, when the Defendant, who was driving the vehicle in the same direction, collided with the Plaintiff ("the collision") without warning.
4. The collision was caused solely by the negligence of the Defendant in her driving, management and control of the vehicle.

## PARTICULARS OF NEGLIGENCE

- (a) Proceeding on and or along Poinciana Drive without ensuring that it was safe to do so;
- (b) Failing to exercise all necessary caution in order to avoid the collision;
- (c) Failure to drive in such a manner to have full control of the vehicle at all times;
- (d) Failed to see the Plaintiff in time, or at all, to avoid the collision;
- (e) Failed to warn the Plaintiff of her intentions, thereby giving the Plaintiff an opportunity to avoid the collision;
- (f) Failed to keep any or any proper look out;
- (g) Driving without due care and attention; and

(h) Failed to stop, swerve, or otherwise manoeuvre the vehicle in time to avoid the collision.

5. The Plaintiff has suffered personal injuries and expense, suffering loss and damage. Full details of which will be provided prior to trial.

**AND THE PLAINTIFF** claims:

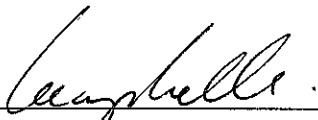
- (a) Damages;
- (b) Interest in accordance with Section 34 of the Judicature Law (1995 Revision);
- (c) Further and other relief as the Court deems fit; and
- (d) Costs.

**STATEMENT REGARDING INSURER**

The Defendant was insured by Dyoll Insurance Company Limited (who is now in provisional liquidation).

Dated the 27<sup>th</sup> day of September 2006

Filed the        day of September 2006



**CAMPBELLS**

Attorneys-At-Law for the Plaintiff

**TO:**            The Clerk of the Court

**AND TO:**      The Defendant

IN THE GRAND COURT OF THE CAYMAN ISLANDS

395  
CAUSE NO. OF 2006  
L/A NO. 134/06

BETWEEN: ERNA EBANKS

PLAINTIFF

AND: TAMMY ANDERSON

DEFENDANT

---

ACKNOWLEDGEMENT 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.

---

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

---

3. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)  
 yes  no

---

4. 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  N/A

---

Service of the Writ of Summons is acknowledged accordingly.

(Signed) .....

[Attorney] for the Defendant.

Address for service: (*see 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 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.

**CAMPBELLS**  
Attorneys-at-Law  
4<sup>th</sup> Floor, Scotia Centre  
George Town  
P.O. Box 885  
Grand Cayman KY1-1103  
CAYMAN ISLANDS  
  
Ref: STM/BJH/13677

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

Tammy Anderson  
P.O. Box 358  
Grand Cayman KY1-1302  
CAYMAN ISLANDS

**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 495, 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*

## 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 his 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.