

No. 1

Writ of Summons (0.6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS



Cause No: 145 of 2007

BETWEEN: THE ATTORNEY-GENERAL

PLAINTIFF

AND: JEANNIE EBANKS, DARLENE ZELAYA AND DEAN KELLY

DEFENDANT

WRIT OF SUMMONS

TO:

JEANNIE EBANKS

P.O. BOX 392

GRAND CAYMAN KY1-1302

Employer: Deutsche Bank

Work Phone: 345-949-8244

Home Phone: 345-949-3509

DARLENE ZELAYA

P.O. BOX 31299

GRAND CAYMAN KY1-1206

Employer: Ogier Fiduciary services

Work Phone: 345-945-6264

Home Phone: 345-9497948

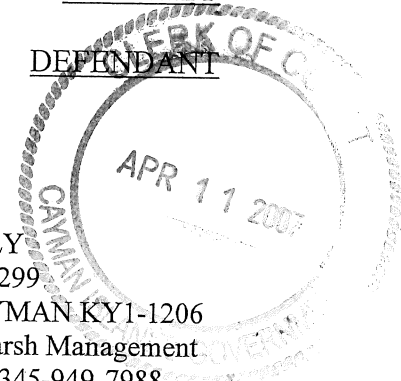
DEAN KELLY

P.O. BOX 31299

GRAND CAYMAN KY1-1206

Employer: Marsh Management

Work Phone: 345-949-7988



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 495 GT, 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 27<sup>th</sup> of March, 2007

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.

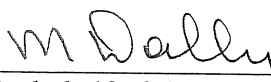
## STATEMENT OF CLAIM

1. The Plaintiff claims CI\$33,464.01 from the Defendant for overseas medical expenses.
2. On the 7<sup>th</sup> May 1998 the Defendant signed a promissory note agreeing to repay the Cayman Islands Government for all expenses paid for Julia Lucille Ebanks to be treated at the St. Joseph Hospital in Jamaica on or around the 11<sup>th</sup> May 1998.
3. Julia Lucille Ebanks overseas medical expenses amounted to CI\$34,214.01.
4. The Defendant signed an agreement to pay CI\$250.00 per month beginning June 1998.
5. The Cayman Islands Health Services Authority and the Debt Recovery Unit communicated with the Defendant on numerous occasions, requesting payment.
6. Payments have not been made consistently and the last payment received was December 6<sup>th</sup> 2006. The balance of CI\$33,464.01, still remains unpaid.

AND THE PLAINTIFF claims:

1. The sum of CI\$33,464.01.
2. Interest at the statutory rate of 3%
3. Process Server's fee
3. Fixed cost of CI\$500.00, alternatively costs to be assessed.

If, within the time for returning the Acknowledgment of Service, the Defendant pays the total amount claimed further proceedings will be stayed. The money must be paid to the Plaintiff.

  
\_\_\_\_\_  
On behalf of the Attorney-General

THIS WRIT was issued by The Attorney-General whose address for service is  
c/o The Treasury Department, Government Administration Building, George Town,  
Grand Cayman.

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*

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AND: JEANNIE EBANKS  
P.O. BOX 392

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GRAND CAYMAN KY1-1302

GRAND CAYMAN KY1-1206

GRAND CAYMAN KY1-1206

DEFENDANTS

ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS

If you intend to instruct an Attorney to act for you, give him this for 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

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

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

Yes

No

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

Service of the writ is acknowledged accordingly

(Signed).....

[Attorney] for  
[Defendant in person]  
Address for Service:

**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.

*Endorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, Address and reference, if any, in the box below.*

THE ATTORNEY-GENERAL  
C/O THE TREASURY DEPARTMENT  
GOVERNMENT ADMINISTRATION BUILDING  
GEORGE TOWN  
GRAND CAYMAN

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

[Empty box for defendant's attorney endorsement]