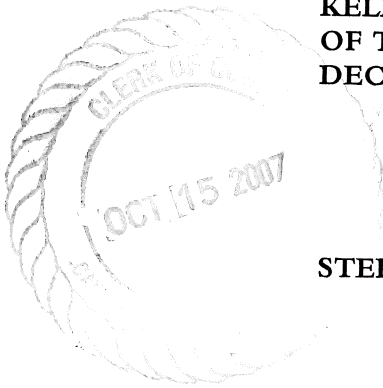


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 490 OF 2007

B E T W E E N:

**KELLI LARKIN AS PERSONAL REPRESENTATIVE
OF THE ESTATE OF JEFFREY KEITH GRIMMETT,
DECEASED**



AND

STEPHEN HARRISON EBANKS

Plaintiff



WRIT OF SUMMONS

TO: Stephen Harrison Ebanks
C/O Associated Advocates Chambers
H. Delroy Murray
PO Box 10067 APO
Financial Integrated Services Building
196 Shedden Road
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 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 Acknowledgement 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 15th day of October 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 Acknowledgement 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 Defendant named herein is Cayman General Insurance Company Limited. The address for service is PO Box 2171 GT, Grand Cayman, Cayman Islands, B.W.I.

STATEMENT OF CLAIM

- 1) The Plaintiff is the personal representative of the Estate of Jeffrey Keith Grimmatt, deceased whose address is 3150 S.W. 18th St., Ft. Lauderdale, Florida.

- 2) The Plaintiff claims and makes claim on behalf of the following:
 - a) Herself, Kelli Larkin;

 - b) The child named Nicollete Grimmatt, date of birth 19 October 1993; and,

 - c) The child named Jeffrey Nathaniel Grimmatt, date of birth 3 July 1984.

- 3) Jeffrey Keith Grimmatt (the “**Mr. Grimmatt**”) was an American citizen who, at the time of the accident, was 43 years of age. The Plaintiff and Mr. Grimmatt’s family are resident in the United States of America and whose address is 3150 SW 18th Street, Fort Lauderdale Florida, USA, 333128. The address for service of the Plaintiff is in care of the Plaintiff’s attorneys, Appleby, P.O. Box 190, George Town, Grand Cayman, Cayman Islands, KY1-1104, B.W.I.

- 4) The Defendant is an individual who at all materials times was resident in the Cayman Islands. His address for service is in care of his attorney Mr. H. Delroy Murray at Associated Advocates Chambers. At the times relevant to this proceeding, the Defendant was the operator of a Ford Ranger pick-up truck bearing vehicle registration No. 65963, which was registered in the name of the Defendant’s father.

- 5) On or about 10 December 2004, whilst Mr. Grimmatt was on Grand Cayman on a work permit, an accident occurred involving Mr. Grimmatt and the Defendant the details of which are as set out below:
 - a) At approximately 10:00 p.m. on 10 December 2004, Mr. Grimmatt was attempting to cross West Bay Road at the vicinity of the Burger King from the west to the east side of the road;

- b) At approximately 10:00 p.m. on 10 December 2004, the traffic on West Bay Road was heavy, it was a bright moon with little to no clouds in the sky and there was excellent visibility at the relevant portion of West Bay Road;
 - c) Mr. Grimmatt was wearing light coloured clothing and was visible at all times material to the accident;
 - d) At approximately 10:00 p.m. on 10 December 2004, Mr. Grimmatt was waiting in the centre lane of West Bay Road for a safe opportunity to complete crossing the road. Southbound traffic had stopped to permit Mr. Grimmatt to cross over the southbound lane;
 - e) The Defendant was travelling south along West Bay Road towards George Town. The Defendant on reaching the area of West Bay Road North of the Burger King pulled out into the centre turning lane of West Bay Road in an attempt to pass other southbound vehicles, contrary to the lawful or customary use of that lane;
 - f) The Defendant's vehicle struck Mr. Grimmatt throwing him into the air. Mr. Grimmatt then landed in the southbound lane and was then dragged by the left front wheel of the Defendant's vehicle along the road surface for approximately 70 to 90 feet. The Defendant's vehicle came to a stop with its left front wheel resting on Mr. Grimmatt's body;
 - g) The Defendant did not swerve to avoid hitting Mr. Grimmatt with his vehicle nor did he slow down to avoid hitting Mr. Grimmatt; and,
 - h) Ambulances attended the scene shortly after the accident in an attempt to revive Mr. Grimmatt, but he was pronounced dead at George Town Hospital at approximately 11:15 p.m. on 10 December 2004.
- 6) The speed of the Defendant's vehicle on impact with Mr. Grimmatt was sufficient to knock Mr. Grimmatt from his feet and throw or carry him along the surface of the road for approximately 70 feet from the initial point of impact.
- 7) Mr. Grimmatt was utilising all due care and caution required of any pedestrian at the time of the accident and at all times was waiting at the centre turning lane for a safe time to complete crossing West Bay Road and did not

cross into the southbound lane of traffic at the time of the accident until left there by the Defendant after the accident.

- 8) The Defendant failed a roadside breathalyzer and subsequently delivered a blood/alcohol reading on the evening of 10 December 2004 of .159%, more than 50 % above the legal limit. Shortly after the accident, the Defendant was charged by the Royal Cayman Islands Police with driving under the influence of alcohol and careless and reckless driving all causing death. The Defendant was convicted on 22 June 2007 of causing death while driving intoxicated and was sentenced to 15 months incarceration.
- 9) The Defendant caused the accident that killed Mr. Grimmett on 10 December 2004.
- 10) The Plaintiff makes claim on her own behalf and on behalf of the dependants of Mr. Grimmett's Estate 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 Plaintiff states that the Defendant negligently operated his vehicle and as a result of such negligence caused the above-described accident.

PARTICULARS OF NEGLIGENCE

- 11) The accident and the resulting injuries to Mr. Grimmett resulted from the Defendant's negligence in the operation of his motor vehicle, the particulars of such negligence are as set out below:
 - a) The Defendant was travelling in excess of a safe speed given the road and visibility conditions on the night of the accident;
 - b) The Defendant was travelling in excess of the posted speed limit;
 - c) The Defendant failed to keep the vehicle under proper control;
 - d) The Defendant failed to exercise due care and skill or to keep a proper lookout in the operation of his vehicle;
 - e) On the occasion in question the Defendant was an intoxicated driver lacking any reasonable skill or self-command and ought not to have attempted to operate a vehicle;

- f) The Defendant used the centre turning lane in an unlawful or unsafe manner to overtake another vehicle;
 - g) On the occasion in question the Defendant was an incompetent driver lacking any reasonable skill or self-command and ought not to have attempted to operate a vehicle;
 - h) The Defendant failed to take reasonable care to avoid the accident, which he saw, or should have seen, was likely to happen;
 - i) The Defendant failed to notice the pedestrian Mr. Grimmett crossing the road;
 - j) The Defendant failed to sound his horn or otherwise warn Mr. Grimmett of the approach of his vehicle;
 - k) The Defendant failed to control his vehicle or attempt to swerve, brake, slow down or otherwise avoid striking Mr. Grimmett with his vehicle;
 - l) The Defendant failed to stay in the southbound lane of West Bay Road and crossed over the centre line of the road at which time he struck and killed Mr. Grimmett; and,
 - m) The Defendant was negligent in other ways as will be proven at the trial of this cause.
- 12) The fact the Defendant drove his vehicle into the pedestrian Mr. Grimmett is evidence in itself of negligence and breach of the common law and statutory duties that the Defendant owed to the pedestrian Mr. Grimmett. The Plaintiff pleads and relies on the doctrine of *res ipsa loquitur*.
- 13) By reason of the Defendant's negligence Mr. Grimmett was killed. Mr. Grimmett's dependants have suffered severe psychological injuries and have suffered pain and suffering, past and future losses and damages and a loss of financial support, all of which the Defendant is responsible for at law and in equity.

PARTICULARS OF INJURIES

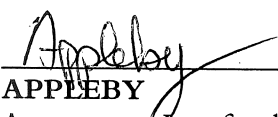
- 14) As a result of the Defendant's negligence and of the injuries caused to the Mr. Grimmett he was killed.

- 15) Prior to the accident Mr. Grimmatt was healthy and had no history of significant injury, pain or suffering.
- 16) At the time of the accident, Mr. Grimmatt was 43 years of age (date of birth 2 June 1961). He enjoyed excellent health and lived an active athletic life. He enjoyed a full and busy social life and a supportive and nurturing family life. Mr. Grimmatt's wife and two children were dependant on him for financial support, emotional guidance, support and companionship. As a result of the negligence of the Defendant, Mr. Grimmatt's dependants have suffered past and will continue to suffer future damages and losses as follows:
 - a) loss of income;
 - b) loss of financial support given that Mr. Grimmatt was the primary, or a significant, money earner in the family;
 - c) loss of companionship, care, guidance and affection;
 - d) special damages for medical care and other expenses arising from the accident, and transportation of the deceased;
 - e) general damages for pain, suffering and loss of amenities;
 - f) Loss of expectation of life;
 - g) losses for paid and unpaid assistance;
 - h) prejudgment and post-judgment interest in accordance with the *Judicature Law (2007 Revision)*; and,
 - i) such other loss as may later be claimed or as set out in the Statement of Claim.
- 17) The Plaintiff will provide specific details of the claim for special damages prior to trial.
- 18) As a result of the above, the Plaintiff is entitled to the relief claimed in this proceeding.

AND THE PLAINTIFF CLAIMS

- A. Loss of income;
- B. Loss of future financial support for the family;
- C. Loss of care, guidance, companionship and affection for the family;
- D. Special damages for medical care and other expenses arising from the accident and her injuries;
- E. General damages for pain, suffering and loss of amenities;
- F. Losses for paid and unpaid assistance;
- G. Loss of expectation of life;
- H. Pre-judgment post-judgment interest in accordance with the *Judicature Law (2007 Revision)*;
- I. Such other loss as may later be claimed; and,
- J. Such Further and Other relief as this Honourable Court deems appropriate.

Dated the 15th day of October 2007



APPLEBY
Attorneys-at-Law for the Plaintiff

TO: The Clerk of the Court
AND TO: Mr. Stephen Harrison Ebanks
C/O Associated Advocates Chambers
PO Box 10067 APO
Financial Integrated Services Building
196 Shedden Road
Grand Cayman, Cayman Islands, B.W.I.

Filed by Appleby Attorneys-at-Law for the Plaintiff whose address for service is 75 Fort Street, PO Bo 190, George Town, Grand Cayman, Cayman Islands KY1-1104, B.W.I. [ref WAS/10956.001]

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS**

1. The accompanying form of Acknowledgement 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 GT, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 of "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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgement, 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 Acknowledgement 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 Write 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 490 OF 2007

B E T W E E N:

**KELLI LARKIN AS PERSONAL REPRESENTATIVE
OF THE ESTATE OF JEFFREY KEITH GRIMMETT,
DECEASED**

Plaintiff

AND

STEPHEN HARRISON EBANKS

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 fully 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 proceedings (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

H. Delroy Murray
Associated Advocates Chambers
Attorneys for Defendant

Address for service:

Associated Advocates Chambers H. Delroy Murray PO Box 10067 APO Financial Integrated Services Building 196 Shedden Road Grand Cayman, Cayman Islands, B.W.I.
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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.

Appleby
Attorneys-at-Law
Clifton House
75 Fort Street
P.O. Box 190
George Town
Grand Cayman KY1-1104
Ref: [WAS/10956.001]

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