

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 2008 OF 2008  
LEGAL AID CERTIFICATE #29/02



BETWEEN  
HOWARD RIVERS

PLAINTIFF

AND  
ELDON & SHARON EBANKS

DEFENDANTS

WRIT OF SUMMONS

TO: ELDON & SHARON EBANKS  
C/o Native Way Watersports  
West Bay, Grand Cayman

***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 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 Acknowledgement of Service, stating therein whether you intend to contest these proceedings.

***If you fail to satisfy the claim or return the Acknowledgement within the time stated, or if you return the Acknowledgement 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        day of        2008

***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.

**ENDORSEMENT**

The Plaintiff claims against the Defendants to recover damages for personal injury in that on or about the 31<sup>st</sup> day of January 2002 he sustained personal injuries whilst in the employ of the Defendants as a result of the negligent operation of a boat owned by the Defendants and under the control and operation of another employee of the Defendants, to wit Mr. Dean Martin Wood at the Safehaven dock in George Town, Grand Cayman.

***AND THE PLAINTIFF CLAIMS:***

1. Damages;
2. Interests;
3. Costs.

Dated this 28<sup>th</sup> day of January 2008

*Michael Blake* 

Associated Advocates Chambers

THIS WRIT was issued by Associated Advocates Chambers, Attorneys-at-Law for and on behalf of the Plaintiff, whose address for service is that of his said Attorneys-at-Law, The Second Floor (East Wing) FIS Building, 196 Shedden Road, 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*

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

**CAUSE NO. 60104 OF 2008  
LEGAL AID CERTIFICATE #29/02**

**BETWEEN HOWARD RIVERS**

**PLAINTIFF**

**AND ELDON & SHARON EBANKS**

**DEFENDANTS**

**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 judgement being entered against a Defendant whereby he May have to pay the costs of applying to set it aside.**

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

2. State whether the Defendant intends to contest the proceedings (tick the 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 judgement entered by the Plaintiff (tick box).

yes

Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

*Please complete 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 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 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:*

Associated Advocates Chambers  
PO Box 10067, Grand Cayman KY1-1001  
Second Floor (East Wing), FIS Building  
196 Sheddin Road  
George Town  
Grand Cayman

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

**IN THE GRAND COURT OF THE CAYMAN ISLANDS**

**CAUSE NO. OF 2008  
LEGAL AID CERTIFICATE #29/02**

**BETWEEN HOWARD RIVERS**

**PLAINTIFF**

**AND ELDON & SHARON EBANKS**

**DEFENDANTS**

**STATEMENT OF CLAIM**

1. The Plaintiff was at all material times an employee of the Defendants.
2. The Defendants were at all material times the employers of the Plaintiff and the operators of a sea charter vessel named "YO-YO 4".
3. On or about the 30<sup>th</sup> day of January the Plaintiff was employed to work on the said vessel at the Safehaven dock in George Town, Grand Cayman.
4. That the said vessel was under the command of one Dean Martin wood who was employed by the Defendants.
5. On the said 30<sup>th</sup> day of January 2008 the said Dean Martin Wood so negligently operated the said vessel that he caused the same to come in such close proximity to another vessel, "The Kelly Ray" that the anchor of the said vessel penetrated the right leg of the Plaintiff.

**Particulars of Negligence**

- (a) Operating the vessel "YO-YO4" too close to the vessel "The Kelly Ray".
  - (b) Operating the vessel "YO-YO4" at a speed that was too excessive in the circumstances;
  - (c) Causing the anchor of "The Kelly Ray" to penetrate the right leg of the Plaintiff;
  - (d) Failing to employ a competent and capable person to command the vessel "YO-YO4".
  - (e) Failing to provide a safe system of work.
6. That by reason of the premise stated herein the Plaintiff sustained injury and loss:

Particulars of Injuries

- (a) Deep laceration in the right groin;
- (b) Partial severance of the adductor longus muscle;
- (c) Right sided limp

Particulars of Special Damages

(i) Hospital Bill	CI\$6,413.90
(ii) Cost of Hospital Medical Report	CI\$ 60.00
(iii) Chrissie Tomlinson Medical Bills	CI\$ 285.00
(iv) Cost of Report from Dr. Geoghegan	CI\$ 350.00
	<u>CI\$7,108.90</u>

AND THE PLAINTIFF CLAIMS

1. The sum of CI\$7,108.90
2. Damages for Personal Injuries
3. Costs

Dated the 28<sup>th</sup> day of January 2008  
Filed the        day of        2008



Associated Advocates Chambers  
Plaintiff's Attorneys-at-Law