

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. GC 138 OF 2018

BETWEEN:

CHAPMANS LTD.

Plaintiff

AND:



SHAWN EBANKS

Defendant

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WRIT OF SUMMONS

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To the Defendant

Shawn Ebanks  
c/o Croc Soup Company  
16950 W Colfax Avenue  
Golden, Colorado, 80401  
USA



THIS WRIT has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

**Within 28 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, PO Box 495, George Town, Grand Cayman KY1-1106, Cayman Islands, the accompanying Acknowledgement of Service form stating therein whether you intend to contest this action. If you intend to defend the action, in whole or in part, you must set out **full particulars of your defence** in the space provided in the Acknowledgement of Service form.

**If you fail** to satisfy the claim or fail to return the Acknowledgement of Service form containing full particulars of your defence, the Plaintiff may apply for a **default judgment** without any further notice to you.

Issued this *17* day of *July* 2018

See overleaf for particulars of the Plaintiff's claim

## STATEMENT OF CLAIM

1. The Plaintiff is a law firm operating in the Cayman Islands and recognized under the Legal Practitioners (Incorporated Practice) Regulations (2006 Revision), with its offices at 81 West Church Street, P.O Box 742, West Bay, Grand Cayman, Cayman Islands KY1-1301.
2. The Plaintiff, known as Chapmans Ltd., was previously known as Bodden Litigation Ltd. Bodden Litigation Ltd. became a recognized Legal Practitioner on 4 December 2014 following its separation from Bodden & Bodden Attorneys at Law.
3. The Defendant is Shawn Ebanks, whose last known residential address was #11 Sunrise Apartments, George Town, Grand Cayman, Cayman Islands. His last known postal address was P.O. Box 11931, KY1-1010. We understand that the Defendant has now moved to Denver, Colorado where he and his wife own and operate a business, Croc Soup Company, located at 16950 W Colfax Avenue, Golden, Colorado, 80401.
4. In around October 2010 the Defendant met with the Plaintiff and instructed them to act on his behalf in connection with his divorce matter. On 18 October 2010 the Defendant signed a letter of engagement from the Plaintiff, and in doing so, the Defendant accepted their terms of business. The Defendant was asked to pay a retainer of USD\$4,000 in respect of securing the Plaintiff's representation, and a retainer of USD\$4,000.00 was paid by the Defendant on 18 October 2010.
5. During the period of October 2010 to 15 November 2011 legal works were undertaken by the Plaintiff at the Defendant's request, and professional legal fees were incurred.
6. From 6 March 2012 to 24 August 2012 the Defendant made regular monthly repayments of USD\$500 toward his outstanding legal fees, but no payments have been made since 24 August 2012. The Defendant's outstanding balance is USD\$28,999.93 after his retainer of USD\$4,000 was applied towards his legal fees on 20 July 2011. The Defendant's balance relates to the following outstanding invoices:
  - i. Invoice# 102113 dated 16 January 2011 – USD\$5,365.18
  - ii. Invoice# 102227 dated 16 March 2011 - USD\$952.75
  - iii. Invoice# 102306 dated 16 April 2011 - USD\$2,260.80
  - iv. Invoice# 102390 dated 16 May 2011 - USD\$464
  - v. Invoice# 102419 dated 16 June 2011 - USD\$463.50
  - vi. Invoice# 102501 dated 16 July 2011 - USD\$370.80
  - vii. Invoice# 102648 dated 16 September 2011 - USD\$787.50
  - viii. Invoice# 102717 dated 16 October 2011 - USD\$13,629.93
  - ix. Invoice# 102778 dated 16 November 2011 - USD\$4,705.47

**USD\$28,999.93**
7. The Plaintiff has written to the Defendant on several occasions to request payment of the outstanding balance, but at the time of preparing this Writ, the Defendant has failed to

pay the outstanding balance owed or make arrangements with the Plaintiff for the payment of the balance.

8. Under paragraph 11 of the Plaintiff's terms of business, if payment of an invoice has not been received within 30 days, the Plaintiff is permitted to pursue any rights and remedies available to them, including charging interest on any amount due.
9. The Defendant remains indebted to the Plaintiff in the amount of USD\$28,999.93.
10. The Plaintiff is entitled to and claims interest pursuant to section 34 of the Judicature Law (2017 Revision) at the prescribed rate of 2 $\frac{3}{8}$  per annum on each of the outstanding invoices. Interest is calculated on each invoice from 30 September 2012 (just over 30 days since the Defendant's last monthly payment of USD\$500 was made on 24 August 2012) until the date of this Writ, as well as the per diem rate until the monies owed have been paid.

AND the Plaintiff claims:

- (1) The sum of USD\$28,999.93.
- (2) Interest in the sum of USD\$3,994.74 calculated on each individual invoice as per Annex 1 at the prescribed rate from 30 September 2012 to the date of this Writ.
- (3) Interest to continue on each individual invoice at the per diem rate as per Annex 1 until this matter is settled.
- (4) Costs to be assessed.

Date: 17<sup>th</sup> July 2018

Chapmans  
Plaintiff's Signature

Plaintiff's address for service:

81 West Church Street, West Bay  
P.O. Box 742  
Grand Cayman, KY1-1303  
Cayman Islands

Phone number: (345) 623-0202

Email: [hmccall@chapmanslegal.com](mailto:hmccall@chapmanslegal.com)

This **WRIT** is filed by Chapmans whose address for service is 81 West Church Street, P.O. Box 742, Grand Cayman, Cayman Islands, KY1-1303 (9100-0006/HM)

## ANNEX 1

(US\$)										
Inv #	Invoice Amount	Bill Date	Payment Date	Current date	# Days (O/Due)	Interest (Diem)	Interest Due	Paid Amount	Due (Invoice)	Total Due (Incl' Interest)
102113	7,459.68	16-Jan-11						2,094.50	5,365.18	
		-	30-Sep-12	17-Jul-18	2117	0.35	739.05	0.00		6,104.23
102227	952.75	16-Mar-11							952.75	
		-	30-Sep-12	17-Jul-18	2117	0.06	131.24	0.00		1,083.99
102306	2,260.80	16-Apr-11							2,260.80	
		-	30-Sep-12	17-Jul-18	2117	0.15	311.43	0.00		2,572.23
102390	464.00	16-May-11							464.00	
		-	30-Sep-12	17-Jul-18	2117	0.03	63.92	0.00		527.92
102419	463.50	16-Jun-11							463.50	
		-	30-Sep-12	17-Jul-18	2117	0.03	63.85	0.00		527.35
102501	370.80	16-Jul-11							370.80	
		-	30-Sep-12	17-Jul-18	2117	0.02	51.08	0.00		421.88
102648	787.50	16-Sep-11							787.50	
		-	30-Sep-12	17-Jul-18	2117	0.05	108.48	0.00		895.98
102717	13,629.93	16-Oct-11							13,629.93	
		-	30-Sep-12	17-Jul-18	2117	0.89	1,877.52	0.00		15,507.45
102778	4,705.47	16-Nov-11							4,705.47	
		-	30-Sep-12	17-Jul-18	2117	0.31	648.18	0.00		5,353.65
	31,094.43						3,994.74		28,999.93	32,994.67

**Acknowledgement of service 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 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 installments or otherwise.

**See over for notes for guidance**

**Please complete overleaf**

## Notes for Guidance

1. Each Defendant (if there is 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 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: OF 2018

BETWEEN:

CHAPMANS LTD.

Plaintiff

AND:

SHAWN 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 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.

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

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

yes  no

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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  no

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Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

**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 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.

Chapmans  
Attorneys-at-Law  
81 West Church Street  
West Bay, PO Box 742  
Grand Cayman KY1-1303  
Cayman Islands  
Tel: (345) 623-0202  
Fax: (345) 945-0202

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