

July 29, 2021



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CIVIL DIVISION

CAUSE NO. 160 OF ²⁰²¹2001

In the Matter of the Grand Court Act section 14
And in the Matter of the Mental Health Act sections 3, 4, 5, 18,19 and 22
In the Matter of the Criminal Procedure
And in the Matter of the Grand Court Rules Order 80
And in the Matter of Daric Donan Ebanks (d.o.b. 17/10/85)

NOTICE OF ORIGINATING MOTION

TAKE NOTICE that the Court at the Law Courts, George Town, Grand Cayman will be moved on the _____ day of _____ 2021 at _____ am/pm or so soon thereafter as Counsel can be heard, by Counsel on behalf of Daric Donan Ebanks (“Daric”) for the following relief:

1. Grand Court Act section 14 and alleged “Mental Incapacity” of Daric:
 - (a) a declaration as to whether or not there is a current and validly-appointed Guardian of Daric and his estates and if so who that is and when and how and on what evidence he/she/they were so appointed;
 - (b) a declaration as to whether or not Daric is a person of unsound mind requiring a Guardian of his person and/or his estates;
 - (c) If needed, an Order appointing a Guardian of Daric’s person and/or his estates that Daric and his family can approve so that the situation can run without stress and expense for the benefit of Daric and his dependants;
 - (d) a declaration that a Guardian ad Litem in Daric’s litigation known as Grand Court Cause 154 of 2001 is, or is not, the same thing as a Guardian of his person and estates under section 14 of the Grand Court Act.

2. Mental Health Act

- (a) a declaration whether or not this Act applies to Daric and if he is a patient thereunder;
- (b) an Order that Daric be told and shown the evidence, if there be some, that supports the declaration in 2(a) aforesaid;
- (c) an Order disclosing to Daric when the last "review" of his alleged mental impairment "in Cause 154 of 2001 only" was done and that he be provided with a copy thereof;
- (d) a declaration as to whether Orders have been made to control Daric and his estates/assets under sections 18 and 19 of the Act and if so when, on what evidence, and when the last Review thereof was conducted, and its result;
- (e) on Order that Daric be provided with any and all records relating to orders or evidence used in relation to the declarations sought in 2(d) above;
- (f) under section 22, see the next section seeking injunctive relief

3. Criminal Procedure Code (2021 Revision)

- (a) an Order to restrain any further activity by in GC 154 of 2001 and to vacate a 19th August 2021 listed (without notice or evidence or service) hearing of the attached Summons filed 2nd July 2021 therein given that section 47 reports under the Criminal Procedure Code on his health and alleged mental incapacity were Ordered by Chief Magistrate Foldats in the Summary Court in 2020 and those reports are expected only at the next listed Summary Court hearing on 16th August 2021.

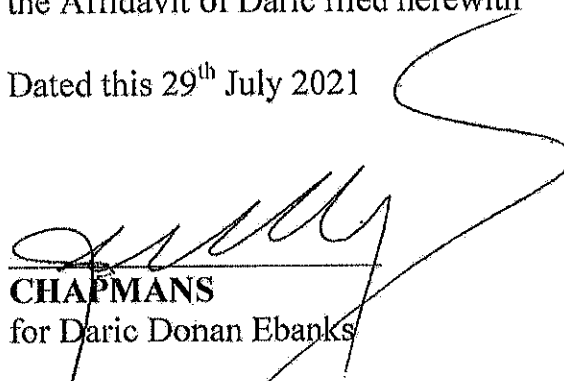
Grand Court Rules and General

- 4. (a) a declaration that Daric is the beneficial owner of the damages awarded to him in Grand Court Cause 154 of 2001 and that he must be consulted and his professional advisors chosen by him must consent before any further dealings with Daric's damages;

(b) a declaration that Grand Court Cause No 154 2001 is concluded and that any Guardian *ad litem*'s role therein concluded with the cause. And for an order that the costs of and incidental to this Motion be provided for.

AND FURTHER TAKE NOTICE that the grounds of this application are set out in the Affidavit of Daric filed herewith

Dated this 29th July 2021



CHAPMANS
for Daric Donan Ebanks

TO: The Clerk of the Grand Court
AND TO: KSG and Tabitha Philander
AND TO: Wilma Ebanks and Donovan Ebanks, parents of Daric.