



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

CAUSE NO. G OF 2023

BETWEEN:

PARIS GABRIELLA EBANKS

Plaintiff

and

THE ROYAL CAYMAN ISLANDS POLICE SERVICE

Defendant

WRIT OF SUMMONS

TO: The Royal Cayman Islands Police Service
c/o Royal Bank of Canada Building, 4th Floor
24 Shedden Road
George Town, 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 fourteen (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, 61 Edward Street, George Town, Grand Cayman, Cayman Islands, 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 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 judgment may be entered against you forthwith without further notice.

Issued this 11th day of May 2023

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 issued unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgement of Services are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff, whose date of birth is 1 December 1996, resides in the Cayman Islands. At all material times she was a rear seat passenger in a 2003 green Honda Accord vehicle (registration 187 296) (the “**Honda**”) being driven by Tarrick Crawford (“**Crawford**”).
2. The Defendant was at all material times the employer of Police Constable Wilston Bennett, (“**PC Bennett**”). PC Bennett was at all material times the driver of a Ford Taurus police car (registration 159 956) (the “**Police Vehicle**”). At all times PC Bennett was employed in his capacity as a police officer with the Defendant and was driving the Defendant’s Police Vehicle in the course of that employment.
3. In the early morning of 16 January 2021, the Defendant was operating a vehicle checkpoint (“**VCP**”) in the northbound lane of Esterly Tibbets Highway. PC Bennett was one of the officers working at the VCP.
4. At approximately 12:15 am, the Honda while being driven by Crawford, was flagged down and stopped at the VCP by PC Bennett. When PC Bennett attempted to speak with Crawford he attempted to flee the VCP by driving the Honda away. PC Bennett commenced a pursuit of the Honda in the Police Vehicle with a view to apprehending Crawford.
5. In order to avoid capture, Crawford accelerated the Honda to a high rate of speed. PC Bennett continued the pursuit at high speed. As a result of the pursuit the vehicle continued to accelerate until they were both travelling in excess of 80 mph. As a consequence of the high speed, Crawford lost control of the Honda when attempting to navigate a bend in the road. The Honda left the road and collided at high speed into a concrete wall of a building.
6. As a result of the collision, the Honda was severely damaged. The front seat passenger of the Honda, Shayne Anthony Ewart, was killed upon impact. The Plaintiff, who was the rear seat passenger, suffered severe and life-threatening injuries and pain and suffering.

7. The Defendant is vicariously liable for the actions of PC Bennett who at all material times was acting in the course of his employment.
8. The said accident was caused by the Defendant's negligence and/or breach of statutory duty under Sections 59 and 60 of the *Traffic Law* (2001 Revision).

PARTICULARS

The Defendant was negligent and is guilty of the said statutory duties as a result of PC Bennett's actions:

- a) Engaging in a police pursuit which was unnecessary, disproportionate and unsafe;
- b) Engaging in a police pursuit which he was not qualified and/or authorized to engage in;
- c) Driving greatly in excess of speed limit when he was not authorized to do so;
- d) Failing to adhere to the National Decision Model which governs the decision-making for the police;
- e) Failing to adhere to the RCIPS pursuit policy;
- f) Failing to consider the risk, consider the pursuit policy, or identify safer options other than a police pursuit when he was obligated to do so;
- g) Failing to take reasonable steps to ensure the safety of other road users;
- h) Failing to terminate the pursuit and/or failing to terminate the pursuit when it became clear that it was unsafe to continue;
- i) Failed to properly assess the risks of the pursuit;

- j) Failing to take into account the wet conditions and the increased risks associated with a pursuit as a result of the weather;
 - k) Failing to exercise due care and attention when using the road and to have due regard to the safety and comfort of other road users and the preservation and protection of public and private property;
 - l) Acted recklessly with disregard for the safety of others;
 - m) Driving at a speed which was too fast in the circumstances;
 - n) Failing to comply with the signs and signals on the road;
 - o) Failing to exercise reasonable skill and care to be expected of a reasonably skillful and careful driver in the circumstances.
9. By reason of the Defendant's negligence and breach of duty the Plaintiff has suffered loss and damage.

PARTICULARS OF INJURIES

10. The Plaintiff, Paris Ebanks, whose date of birth is 1 December 1996, was 25 years old at the date of the collision. The collision was high impact and immediately afterward, the Plaintiff was treated by ambulance personnel at the scene and attended the Emergency Department of George Town Hospital for further treatment. The Plaintiff was treated in intensive care for a month and was bedbound for three months. The Plaintiff suffered very serious multiple injuries as a result of the accident and continues to suffer as a result of the injuries sustained. The injuries include:
- a. Fractured and shattered femur requiring surgery;
 - b. Fractured tailbone;
 - c. Shattered pelvis;

- d. Punctured lung;
 - e. Liver damage
 - f. Lower back pain;
 - g. Swollen ankles;
 - h. Shoulder pain;
 - i. Neck pain;
 - j. Knee pain;
 - k. Severe headaches;
 - l. Severe insomnia and brain fog;
 - m. Anxiety;
 - n. Flashbacks;
 - o. Personality changes; and
 - p. Post-traumatic stress disorder.
 - q. Grief and bereavement arising from the death of Shayne Anthony Ewart.
11. The Plaintiff continues to suffer from several of the above injuries and is impacted by them on a daily basis. Full particulars of the Plaintiff's injuries and the impact of them upon her will be provided prior to trial.

PARTICULARS OF SPECIAL DAMAGE

12. The Plaintiff has suffered loss and incurred expenses as a result of the collision which are ongoing. Full particulars of special damage will be supplied at a later date by way of a schedule of loss, including but not limited to claims for loss of income, medical treatment, travel, gratuitous care, interest and costs. Full particulars of the Plaintiff's special damages and losses, which are continuing, will be provided prior to trial.
13. The Plaintiff claims pre and post judgment interest pursuant to section 34 of the *Judicature Act (2021 Revision)* in accordance with the *Judgment Debts (Rates of Interest) Rules* (as amended).

AND THE PLAINTIFF CLAIMS:

- A. General damages;
- B. Special damages;
- C. Pre-judgment interest on damages pursuant to the *Judicature Act* (2021 Revision);
- D. Post-judgment interest on damages pursuant to the *Judicature Act* (2021 Revision);
- E. Costs

Dated this 11 day of May 2023.



BROADHURST LLC
Attorneys-at-Law for the Plaintiff

This Writ of Summons and Statement of Claim was issued by Broadhurst LLC, Attorneys-at-law for the Plaintiff, whose address for service is 4th Floor, Monaco Towers, 54 Edward Street, P.O. Box 2503, Grand Cayman, KY1-1104, Cayman Islands

INDORSEMENT AS TO INSURER OF MOTOR VEHICLE

The Plaintiffs' claims arise out of the use of a motor vehicle on a public road. The insurer of the vehicle of the Defendant named herein is Saxon, Saturn Close, George Town, Grand Cayman, KY1-1205, Cayman Islands.

**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, PO Box 495, 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 endorsed on the Writ (i.e. the words “Statement of Claim” appear on the top of page 2). The defence must be served within fourteen (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 endorsed on the Writ, the defence need not be served until fourteen (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 fourteen (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 installments or otherwise.

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 fourteen (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 authorized to act on behalf of the Company, but the Company can take no further steps in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL HEALTH 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.

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CIVIL DIVISION

CAUSE NO. G OF 2023

BETWEEN:

PARIS GABRIELLA EBANKS

Plaintiff

and

THE ROYAL CAYMAN ISLANDS POLICE SERVICE

Defendant

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 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 [] No []

Service of the Writ is acknowledged accordingly

(Signed) _____
[Attorney] for
[Defendant in Person]
Address for service:

Please see 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 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.

**BROADHURST LLC
ATTORNEYS-AT-LAW
4th FLOOR MONACO TOWERS
54 EDWARD STREET
GEORGE TOWN
P.O. BOX 2503
GRAND CAYMAN
KY1-1104**

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