



COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2024

BETWEEN THOMAS GEORGE EBANKS PLAINTIFF

AND DET. CONS. #373 BRIAN CORBIN 1ST DEFENDANT

AND THE COMMISSIONER OF POLICE, ROYAL CAYMAN ISLANDS POLICE SERVICE "RCIPS" 2ND DEFENDANT

WRIT OF SUMMONS

TO: DET/ CONS. #373 BRIAN CORBIN
c/o Central Police Station
Elgin Avenue
George Town
Grand Cayman

AND TO: THE COMMISSIONER OF POLICE, ROYAL CAYMAN ISLANDS
POLICE SERVICE (RCIPS)
ROYAL BANK OF CANADA BLDG.
4TH FLOOR, 24 SHEDDEN ROAD
GEORGE TOWN, GRAND CAYMAN
CAYMAN ISLANDS

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 2024

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 in that the First Named Defendant without reasonable cause executed a Search Warrant against the Plaintiff and thereafter unlawfully seized property belonging to the Plaintiff which, in some instances, he has failed to return to the Defendant despite repeated requests to him and the Second Named Defendant for this to be done. The said seizure and continued retention of the said properties is *Wednesbury* unreasonable entitling the Plaintiff to Judgment confirming this to be the case and a Judgment in Damages to be assessed and is also a breach of the Plaintiffs right to the peaceful enjoyment of his properties as per Section 15 of the Cayman Islands Constitution Order.

AND THE PLAINTIFF CLAIMS:

1. Damages, including exemplary damages for the unlawful seizure and retention of his properties:
2. A Declaration that the Defendants or any one of them do return to the Plaintiff the remainder of his properties seized and held by them.
3. A Declaration that the action of the Defendants in unlawfully seizing and detaining the Plaintiff's properties was and is a breach of his Constitutional right to possess such properties.
4. Costs.
5. Special Damages

Dated this 21st day of February 2024



MURRAY & WESTERBORG
Plaintiffs' Attorneys-at-Law

THIS WRIT was issued by Murray & Westerborg, 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 (South West Wing) Cayman Shipping Centre Building, 10 Shipping Lane, George Town, Grand Cayman

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2024

BETWEEN THOMAS GEORGE EBANKS

PLAINTIFF

AND DET. CONS. #373 BRIAN CORBIN

1st DEFENDANT

AND THE COMMISSIONER OF POLICE, ROYAL CAYMAN ISLANDS POLICE SERVICE "RCIPS"

2ND DEFENDANT

STATEMENT OF CLAIM

1. The Plaintiff was at all material times a lawful resident premises being 182 Fern Circle, George Town, Grand Cayman and the lawful holder of a Restricted Firearms Licence dated 10th May 2023 for four (firearms) pursuant to the Firearms Regulations of the Cayman Islands.
2. The Second Named Defendant is a party to these proceedings by virtue of the Crown Proceedings Law.
3. On or about the 9th November 2023 members of the Royal Cayman Islands Police Service attended at the Plaintiff's place of residence pursuant to a Search Warrant stating that it had been made clear to the Justice who issued the said Warrant that he was in possession of Unlicensed Firearms and Ammunition and thereby authorizing the First Named Defendant to seize such Firearms and Ammunition.
4. On that said night the Plaintiff provided the First Defendant with his licence authorizing him to being in possession of the said firearms and ammunition that were found in an approved and locked safe at the home.
5. Despite the Warrant only authorizing the seizure of unlicensed firearms and ammunition the First Named Defendant not only seized the licensed firearms and ammunition but also seized his cellular telephone, and four Rolex watches belonging to the Plaintiff, which were not the subject of the said Search Warrant and for which no rational explanation for their seizure was then and since have not been provided.
6. Return of three of the Rolex watches were returned to the Plaintiff on the 10th day of November 2023.
7. The Plaintiff was arrested and subsequently bailed to attend at the Fairbanks Detention Centre to be Interviewed by the Police, led by the First Named Defendant, on the 17th November 2023, which the Plaintiff duly attended and answered all questions put to him.

8. On the 13th day of December 2023, the Plaintiff's telephone was returned to him.
9. Subsequent to the ending of the said Interview the Plaintiff instructed Counsel to request the return of his properties and on the 20th December 2023 the Second Named Defendant, in the personage of the Deputy Commissioner of Police, was written to requesting the return of the properties seized.
10. On or about the 21st December 2023 the Deputy Commissioner of Police responded to the said letter noting that an expedited completion of the "casefile") was being sought.
11. The licensed firearms and ammunitions however were not returned on or by that date as was pointed out in letter dated the said date to the Deputy Commissioner of Police.
12. Between the 27th December 2023 and the 23rd January 2024, the licensed firearms and ammunition belonging to the Plaintiff had yet to be returned to him and complaint in relation to this was made to the Deputy Commissioner in letter of the 23rd January 2024, to which I response has not been made.

And the Plaintiff claims:

- A. Damages
- B. Exemplary Damages
- C. An Order that the Defendants do return to the Plaintiff the remainder of his properties seized and held by them.
- D. A Declaration that the action of the Defendants in unlawfully seizing and detaining the Plaintiff's properties was and is a breach of his Constitutional right to possess such properties.
- E. Costs of these proceedings on an Indemnity Basis or such basis as the Court deems appropriate.

Dated the 21st February 2024



Murray & Westerborg
Plaintiff's Attorneys-at-Law

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2ND 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 he 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

no

Service of the Writ is acknowledged accordingly

(Signed).....

[Attorney] for

[Defendant in person]

Address for service:

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:

Murray & Westerborg
Attorneys-at-Law
2nd Floor, South West Wing
Cayman Shipping Centre Building
10 Shipping Lane
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: