



GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2024

EN TENSION EDMONDS

PLAINTIFF

AND JASON EBANKS

DEFENDANT

WRIT OF SUMMONS

TO: JASON EBANKS
c/o First Caribbean/CIBC Bank
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 [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.

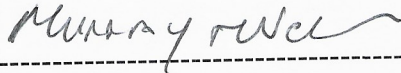
IMPORTANT

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

ENDORSEMENT

The Plaintiff claims against the Defendant to recover damages for Personal Injuries in that the Defendant so negligently drove and operated Mercedes Benz motor vehicle bearing registration Bonjour along Linford Pierson Highway, George Town, Grand Cayman, in the vicinity of the Mangrove Point Townhouse, on or about the 20th day of April 2021, that he caused the same to violently collide into the Plaintiff's Toyota Forerunner motor vehicle bearing registration tag number 144 679, thereby causing the Plaintiff severe injuries, loss and damage.

Dated the 17th day of March 2024



Murray & Westerborg
Plaintiff's 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 TENSON EDMONDS

PLAINTIFF

AND JASON EBANKS

DEFENDANT

STATEMENT OF CLAIM

1. The Plaintiff is a resident of the Cayman Islands employed at all material time as a licensed Physiotherapist in the Cayman Islands and was the owner-driver of Toyota Forerunner motor vehicle bearing registration number 144 679.
2. The Defendant was at all material times a resident of the Cayman Islands, employed with the First Caribbean/CIBC Bank and the owner/driver of Mercedes Benz motor vehicle bearing registration BONJOUR, insured by Cayman First.
3. On or about the 20th day of April 2021 the Plaintiff was driving his aforesaid motor vehicle along the Linford Pierson Highway, George Town, Grand Cayman, in the vicinity of the Mangrove Point Townhouse Complex when the Defendant, so negligently drove, managed, controlled and operated the said Mercedes Benz motor vehicle, along the said road that he caused the same to violently collide with the rear of the Plaintiff's said motor vehicle.

Particulars of Negligence

- (a) Driving too fast in the circumstances
 - (b) Failing to keep any or any proper look-out or to have any or any sufficient regard for other traffic that was or might reasonably be expected to be on said road at the time.
 - (c) Failing to see the Plaintiff's vehicle in time or in sufficient time to avoid the collision.
 - (d) Failing to stop, slow down, swerve or in any other way so to manage or control the said Mercedes Benz motor vehicle as to avoid the said collision.
4. Further, both the Defendant and his insurers have accepted liability in respect of the said accident and the latter entity has settled the cost of repairs to the Plaintiff's vehicle.
 5. By reason of the matters aforesaid, the Plaintiff sustained injuries and has suffered loss and damage.

Particulars of Injuries

- (a) Persistent Lower Back Pains
- (b) Radiculitis Symptoms
- (c) Lower back, right groin and hamstring pain
- (d) Neck Pains
- (e) Decreased mobility at the lower back.
- (f) Decreased ability to lift.
- (g) Tenderness at the right lumbar region
- (h) Marked muscle spasm at the posterior right lower flank.
- (i) Limited side flexion to the left
- (j) Lower back pain with repeated bending and side flexion to the left
- (k) Sprain/Strain of the Lumbar Spine
- (l) Class 1 Grade B Diagnosis Based Impairment
- (m) 3% whole person impairment

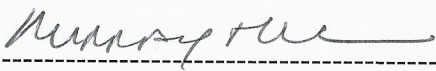
Particulars of Special Damages

(a)	MRI Costs	CI\$ 1,484.17
(b)	Cost of Dr. Franklins Consultation & Medical Report	CI\$ 588.00
(c)	Rehoboth Physiotherapy Costs	<u>CI\$28,028.13</u>
	TOTAL	<u>CI\$30,100.30</u>

AND THE PLAINTIFF CLAIMS:

1. General Damages
2. Past Special Damages
3. Future Special Damages
4. Smith v Manchester Award
5. Pre-Judgment and Post-Judgment Interest Pursuant to the Judicature Law
6. Costs.

Dated this 6th day of April 2024



Murray & Westerborg
Plaintiff's Attorneys-at-Law

THIS STATEMENT OF CLAIM was filed 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

Acknowledgment of Service of Writ of Summons

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 complete and serve the Defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person) within 14 days of the time for acknowledging receipt of the Writ of Summons, unless in the meantime a Summons for Judgment is served on the Defendant. The Plaintiff is at liberty to apply for Default Judgment against the Defendant if the Defence is not filed and served within 14 days of the time for acknowledging receipt of the Writ of Summons.
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 seek time to pay the claim or 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 or seeking time to pay, 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

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

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.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. If you wish to defend claims made in the Writ of Summons, or intend to attend the proceedings and to participate in them in so far as necessary (although not necessarily in an adversarial manner) you should tick the “Yes” box in paragraph 2 of the Acknowledgment of Service.
3. 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.
4. 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)”.
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian *ad litem*.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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
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:

[Empty box for Defendant's Attorney indorsement]

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2024

BETWEEN TENSON EDMONDS

PLAINTIFF

AND JASON EBANKS

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 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:

Please complete overleaf.