

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: *0261* **OF 2009**

BETWEEN: BURMON SCOTT

PLAINTIFF

**AND: (1) RICHARD COY
(2) THE ACTING COMMISSIONER OF THE ROYAL
CAYMAN ISLANDS POLICE SERVICE
(3) THE ATTORNEY-GENERAL OF THE CAYMAN
ISLANDS**

DEFENDANTS



WRIT OF SUMMONS



TO: RICHARD COY
Central Police Station
George Town
Grand Cayman
Cayman Islands

**AND TO: THE ACTING COMMISSIONER OF THE ROYAL CAYMAN ISLANDS
POLICE SERVICE**
Central Police Station
George Town
Grand Cayman
Cayman Islands

AND TO: THE ATTORNEY-GENERAL OF THE CAYMAN ISLANDS
Government Administration Building
George Town
Grand Cayman
Cayman Islands
(by virtue of the Crown Proceedings Law (1997 Revision))

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 the 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, 495, George Town, Grand, Cayman KY1-1106, the accompanying Acknowledgement of Service stating whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment 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 May 2009

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 Acknowledgment of Service are given with the accompanying form.

GENERAL ENDORSEMENT

1. On 15th May 2008, at approximately 9:00 am, the Plaintiff, a former Inspector of Police of good record, was arrested on suspicion of having committed the offence of Misconduct in Public Office, contrary to common law (“the Offence”), by the First Defendant, a Special Constable of the Royal Cayman Islands Police Service (“RCIPS”) at his place of work, the Vehicle Licensing Department on Walkers Road, George Town, Grand Cayman.
2. The Offence is not an arrestable offence in the Cayman Islands, and, accordingly, the Plaintiff’s arrest was unlawful.
3. The Plaintiff was escorted by the First Defendant, and other special constables, to the Central Police Station, where he was seen by some of his former colleagues in custody.
4. The Plaintiff’s personal property was removed from him, and he was photographed, swabbed for DNA and his fingerprints were taken (“the Identifying Material”). He was subjected to a “pat down” search.
5. The Plaintiff was then imprisoned for several hours in a cell block normally reserved for female prisoners. He was then taken to the offices of the Financial Crime Unit and interviewed for several hours. He was then returned to the cell block and refused bail. His medication was denied to him in part.
6. On 16th May 2008, the Plaintiff remained in custody, was re-interviewed, and released on bail at approximately 6:00 pm to return to the Central Police Station on 30 June 2008. His passport was taken from him as a condition of bail. On 30 June 2008 he was further bailed to 4 August 2008 whereupon he was released from bail and his passport returned to him.

7. By a letter dated 31 July 2008, the Plaintiff was informed that he would not be charged with any criminal offence arising out of his arrest on 15 May 2008.
8. The Second Defendant is vicariously liable for the First Respondent.
9. Further the Plaintiff seeks and is entitled to interest pursuant to section 34(1) of the Judicature Law (2007 Revision) at such rate from such date and on such amount as the Court thinks fit.

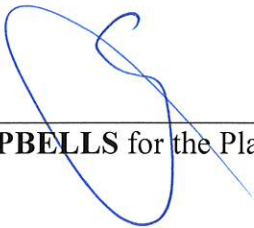
AND THE PLAINTIFF CLAIMS:

- (1) A declaration that his arrest and detention, and all subsequent actions taken by the First and Second Defendants, their servants or agents, were unlawful.
- (2) Return of any Plaintiff's property still held by the RCIPS.
- (3) Delivery up and/or destruction of any Identifying Material.
- (4) Damages, including damages for assault, damage to reputation, and loss of earnings.
- (5) Exemplary and aggravated damages.
- (6) Interest pursuant to section 34(1) of the Judicature Law (2007 Revision) to be assessed.

(7) Such further or other relief as this honourable Court thinks fit.

(8) Costs.

Dated 26 May 2009



CAMPBELLS for the Plaintiff

THIS WRIT was issued by Campbells, Attorneys-At-Law for the Plaintiff whose address for service is P.O. Box 884, 4th Floor, Scotia Centre, Albert Panton Street, George Town, Grand Cayman KY1-1103 (STM/15956)

BETWEEN: BURMON SCOTT

PLAINTIFF

AND: (1) RICHARD COY
(2) THE ACTING COMMISSIONER OF THE ROYAL CAYMAN ISLANDS POLICE SERVICE
(3) THE ATTORNEY-GENERAL OF THE CAYMAN ISLANDS

DEFENDANTS

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 [] N/A

Service of the Writ of Summons is acknowledged accordingly.

(Signed)

..... [Attorneys for the Defendant]

Address for service: (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 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 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.

Campbells
Attorneys-at-Law
P.O. Box 885
4th Floor Scotia Centre
George Town
Grand Cayman KY1-1103

Ref: STM/15956

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

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 495, 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 instalments or otherwise.

See over for notes for guidance

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. 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 his 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.