

In the Matter of Sections 19(1)(g) and 23(2) of the Constitution of the Cayman Islands
And in the Matter of an Election for Bodden Town held on 20th May 2009

BETWEEN:

GORDON SOLOMON
SANDRA CATRON
RONALD EBANKS
JEAN EBANKS
ROXANNE BASHAM-EBANKS
MICHAEL McLAUGHLIN



First Plaintiff
Second Plaintiff
Third Plaintiff
Fourth Plaintiff
Fifth Plaintiff
Sixth Plaintiff

AND:



MARK SCOTLAND
DWAYNE SEYMOUR

First Defendant
Second Defendant

ORIGINATING SUMMONS

TO: MARK SCOTLAND of PO Box 890, Grand Cayman KY1-1103
AND: DWAYNE SEYMOUR of PO Box 890, Grand Cayman KY1-1103

LET THE DEFENDANTS, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495, George Town, Grand Cayman

By this Summons, which is issued on the application of Gordon Solomon of 122 Water Street, Bodden Town, Sandra Catron of 125 Rackley Boulevard, Bodden Town, Ronald Ebanks of 88 Berry Drive, Bodden Town, Jean Ebanks of 88 Berry Drive, Bodden Town, Roxanne Basham-Ebanks of 17 Seaside Way, Bodden Town and Michael McLaughlin of 120 Kitty Clover Avenue, Bodden Town, the Plaintiffs seek the determination of the Court on the following questions, namely:

- (1) Were either or both of the Defendants disqualified by virtue of Section 19(1)(g) of the Constitution from being elected as a member of the Legislative Assembly in the election for the electoral district of Bodden Town held on 20th May 2009?
- (2) If so, was the election of either or both of the Defendants at that election invalid?

The Plaintiffs seek such determination on the following grounds:-

- 1. Each of the Defendants was a candidate in the election for the electoral district of Bodden Town held on 20th May 2009. Each was purportedly elected to the Legislative Assembly in that election.

2. The First, Third, Fourth, Fifth and Sixth Plaintiffs voted in that election and the second Plaintiff was a candidate in that election.
3. The First Defendant was prior to and at the time of the election a director of and/or a manager of and/or had an interest in Advanced Road Construction and Paving Limited (ARCP). That company had contracts with the Government of the Islands (that is to say, with Departments of Government, and the National Roads Authority, a public authority and Government agency) for and on account of the public service. The contracts were as follows:-
 - (1) Ministry of District Administration, Planning, Agriculture and Housing
Parking lot for Government Office Accommodation Project
 - (2) Ministry of Sports
Repair and upgrade to football fields
 - (3) National Roads Authority
Dorcy Drive reconstruction
 - (4) ARCP subcontractor to Royal Construction
George Town Library
4. The First Defendant was also prior to and at the time of the election a director of and/or a manager of and/or had an interest in MCM Consulting Limited. That company had contracts with the Government of the Islands (that is to say, with the National Roads Authority) for or on account of the public service. The contracts were for the design of an extension to the East-West Arterial and for Paving Management.
5. The First Defendant did not cause to be published, at least one month before the day of the poll, a Government Notice setting out the nature of such contracts and his interest, or the interest of the companies in which he was a director or manager, therein. The First Defendant did not purport to cause such a Notice to be published until 24th April 2009, in the Extraordinary Gazette of that date, less than one month before the poll.
6. Accordingly, the First Defendant was, by virtue of section 19(1)(g) of the Constitution of the Cayman Islands, not qualified to be elected to the Legislative Assembly.
7. The First Defendant was therefore not validly elected. His purported election was and is void.
8. The Second Defendant was prior to and at the time of the election a director of and/or a manager of and/or had an interest in Airport Professional Services which had a contract with Cayman Airways. That was a contract with the Government of the Islands for or on account of the public service, as Cayman Airways is owned by the Government and operates for the public benefit by the raising of revenue for the Government and the provision of services to the public.
9. The Second Defendant did not cause to be published, at least one month before the day of the poll, a Government Notice setting out the nature of such contract and his interest, or the

interest of the company in which he was a director or manager therein. The Second Defendant did not purport to cause such a Notice to be published until 24th April 2009, in the Extraordinary Gazette of that date, less than one month before the poll.

10. Accordingly, the Second Defendant was, by virtue of section 19(1)(g) of the Constitution, not qualified to be elected to the Legislative Assembly.

11. The Second Defendant was therefore not validly elected. His purported election was and is void.

12. The Plaintiffs seek the Court's determination as to the validity of the purported elections of the Defendants pursuant to section 23(2) of the Constitution.

If either Defendant does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

Dated the 12th day of June 2009.

Samson & McGrath

Samson & McGrath
Attorneys-at-Law for the Plaintiffs

Filed by Samson & McGrath, Attorneys-at-Law for the Plaintiff, whose address for service is 5th Floor, Genesis Building, George Town, Grand Cayman, KY1-1106

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING 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 495GT, 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 originating summons, or intend to attend the proceedings and to participate in them 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 Originating 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.

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	SANDRA CATRON	Second Plaintiff
	RONALD EBANKS	Third Plaintiff
	JEAN EBANKS	Fourth Plaintiff
	ROXANNE BASHAM-EBANKS	Fifth Plaintiff
	MICHAEL McLAUGHLIN	Sixth Plaintiff
AND:	MARK SCOTLAND	First Defendant
	DWAYNE SEYMOUR	Second Defendant

ACKNOWLEDGMENT OF SERVICE OF ORIGINATING 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.

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box)

yes no

Service of the Originating Summons 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 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.

Please complete overleaf

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

Samson & McGrath
5th Floor, Genesis Building
George Town,
Grand Cayman, KY1-1106
Cayman Islands

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