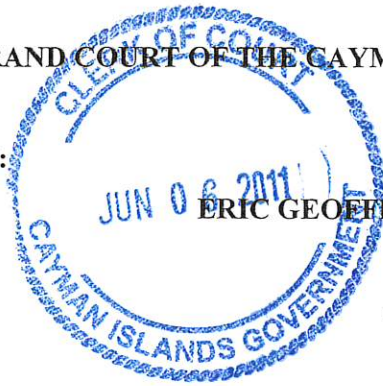


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE No. 210 OF 2011

BETWEEN:



ERIC GEOFFREY VON TIERGEN

-AND-

THE COMMISSIONER OF THE ROYAL
CAYMAN ISLANDS POLICE SERVICE



Plaintiff

First Defendant

-AND-

THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS

Second Defendant

WRIT OF SUMMONS

TO THE DEFENDANT:

c/o the Attorney General's Chambers
Government Administration Building
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 the 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, the complying Acknowledgement of Service stating therein whether you intend to protest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgment 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 notice.

Issued this 6th day of June 2011

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 the order of the Court.

IMPORTANT

Directions For Acknowledgment of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Defendant is the Chief Officer of Police for the Cayman Islands and is liable for the acts and omissions of the police officers referred to below, whose identities or descriptions, save where mentioned, are unknown to the Plaintiff, who were acting under his direction and control in the performance or purported performance of their duties.
2. The Plaintiff holds Caymanian Status and, at all material times, was a resident of the Cayman Islands and the registered proprietor and occupier of property located off Northwest Point Road, West Bay, Grand Cayman, known as Registration Sections West Bay North West Block 1C Parcels 26, 250, and 258 (the "Plaintiff's Property").
3. The Plaintiff's Property adjoins the property known as Registration Section West Bay North West, Block 1C, Parcel 23 (the "Neighbour's Property"). The Plaintiff's Property and the Neighbour's Property adjoin long a mutual boundary (the "Mutual Boundary").
4. An injunction dated 1 December 1997 granted by the Grand Court of the Cayman Islands in favour of the Plaintiff, prohibits the occupiers of the Neighbour's Property from interfering in any way with the Plaintiff's quiet enjoyment of the Plaintiff's Property (the "Injunction"). The Injunction expressly prohibits the occupiers of the Neighbour's Property from trespassing and/or parking vehicles on the Plaintiff's Property.
5. The Defendant knew or ought to have known about the Injunction.
6. During 2007, the occupiers of the Neighbour's Property parked vehicles, erected clotheslines and began construction work on the Plaintiff's Property without the Plaintiff's consent.
7. On or about June 2007 the Plaintiff requested members of the Cayman Islands Police Department to attend at the Plaintiff's Property to be present when the Plaintiff asked the

occupiers of the Neighbour's Property to remove their vehicles, clotheslines and construction work from the Plaintiff's Property.

8. On or about 26 June 2007 PC 222 Bailey and PC Calloo, officers then employed by the Cayman Islands Police Department, attended the Plaintiff's Property. Once at the Plaintiff's Property:
 - a. the Plaintiff, PC 222 Bailey and PC Calloo walked to an area on the Plaintiff's Property near the Mutual Boundary;
 - b. the Plaintiff directed the attention of PC 222 Bailey and PC Calloo to a clothesline that the occupiers of the Neighbour's Property had strung between two trees that were both entirely on the Plaintiff's Property;
 - c. the Plaintiff cut the clothesline with a pair of scissors he had in his possession;
 - d. PC 222 Bailey and PC Calloo asked the Plaintiff to leave the area where the clothesline was located and then left the Plaintiff's Property.

9. On or about 27 June 2007, the Defendant's servant or agent, DS 14 Powell attended the Plaintiff's home at 933 Northwest Point Road, West Bay, Grand Cayman in along with DC Campbell, DC Reid, PS Jahal, PC Charles Ebanks, PC Horner, and PC Freeman (the "Arresting Officers").

10. The Arresting Officers wrongfully and without lawful justification arrested the Plaintiff for Criminal Damage to Property being an offence contrary to Section 276 of the Penal Code (2006 Revision) relating to the snipping of the clothesline upon the Plaintiff's Property the previous day.

11. At about 5:30 pm the same day the said Arresting Officers falsely imprisoned the Plaintiff.

PARTICULARS

- a. The Plaintiff was conveyed in police custody to the West Bay Police Station;
- b. The Plaintiff was subjected to being processed as a prisoner;
- c. The Plaintiff's finger prints and photograph were taken and are held on file by the Defendant;
- d. The Plaintiff was refused bail;

- e. The Plaintiff was held in the police lock up for a total of 42 hours and 30 minutes prior to being produced at Summary Court and released on unconditional bail by the Magistrate.

12. Whilst in custody at West Bay police station the Plaintiff was subjected to the inhumane conditions.

PARTICULARS

- a. human faeces and semen were present on the bench the Plaintiff had to sit and sleep on;
- b. the lavatory available for the Plaintiff's use had overflowed and was inoperative.

13. The Plaintiff's arrest was unlawful.

14. Even if, which is denied, the Plaintiff was initially lawfully arrested, the Plaintiff was held at West Bay police station for longer than was reasonably necessary before charge.

15. Without prejudice to the burden on the Defendant to justify the reasons for the length of the Plaintiff's detention, there were no lawful grounds for the excessive length of the Plaintiff's detention.

16. Even if, which is denied, the Plaintiff was lawfully arrested, PS 59 Smith wrongfully refused to order the Plaintiff's release from police custody.

17. Without prejudice to the burden on the Defendant to justify the Plaintiff's detention prior to charge, there were no lawful grounds to refuse the Plaintiff's release from police custody.

PARTICULARS

- a. The Plaintiff give his real name and address and there were no reasonable grounds for doubting that they were his real name or address.
- b. There were no reasonable grounds for believing that the Plaintiff's detention was necessary:
 - i. for his own protection;
 - i. to prevent him from causing physical injury to any other person; or
 - ii. to prevent him causing loss of or damage to property.

18. The Plaintiff was produced at the Summary Court at George Town at 10am on Friday the 29TH of June 2007 at which time the Magistrate remanded the Plaintiff at large on unconditional bail. Crown Counsel, Ms. Jenesha Boorasingh, advanced no objections to unconditional bail.
19. In the premises, the Plaintiff was falsely imprisoned from about 5:30pm on the 27th June 2007 to approximately 12:00pm on 29th June 2007, being 42 hours and 30 minutes.
20. The charge of Criminal Damage to Property upon which the Plaintiff had been arrested was adjourned to be brought back before the Court on the 12th of July 2007.
21. On the 12th of July 2007 the hearing of the charge against the Plaintiff was again adjourned, at the request of Crown Counsel, until 9th August 2007.
22. On the 9th of August 2007 the hearing of the charge against the Plaintiff was again adjourned, at the request of Crown Counsel, until the 18th of September 2007.
23. At the hearing of the charge against the Plaintiff on the 18th of September 2007, the Crown offered no evidence and the charge against the Plaintiff was dismissed.
24. The Defendant brought the charge of Criminal Damage to Property against the Plaintiff maliciously, in bad faith and without reasonable or probable cause.
25. By reason of the matters aforesaid the Plaintiff lost his liberty and sustained loss, humiliation and damage.

PARTICULARS

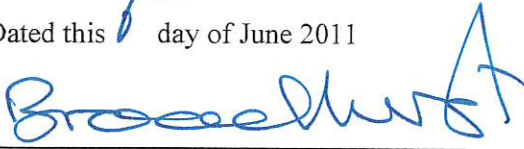
- a. Loss of liberty for 42 and a half hours.
- b. The Plaintiff faced the fear and anxiety of a groundless prosecution against him.
- c. The Plaintiff incurred legal expenses directly arising out of his wrongful arrest and charge for Criminal Damage to Property amounting to CI\$3,955.

26. The Plaintiff claims pre-judgment and post-judgment interest on such sums as the Court thinks fit to award to the Plaintiff as prescribed by the Judicature Law (2007 Revision) and the Judgment Debts (Rates of Interest) Rules as amended from time to time.

AND THE PLAINTIFF CLAIMS:

- (A) Damages for False Imprisonment;
- (B) Aggravated damages for False Imprisonment;
- (C) Exemplary damages for False Imprisonment;
- (D) Damages for Malicious Prosecution.
- (E) Pre and Post Judgment interest on any amount awarded to the Plaintiff for damages pursuant to the Judicature Law (2007 Revision) and the Judgment Debts (Rates of Interest) Rules as amended from time to time.
- (F) Costs.

Dated this 17th day of June 2011



BROADHURST LLC.

Attorneys-at-Law for the Plaintiff

TO: The Clerk of the Court

AND TO: The Commissioner of The Royal
Cayman Islands Police Service

This Writ and Statement of Claim is filed by Broadhurst LLC, Attorneys-at-Law for the Plaintiff whose address for service is 40 Linwood Street, P.O. Box 2503, KY1-1104, Grand Cayman, Cayman Islands.

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CAUSE No.

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BETWEEN:

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Plaintiff

-AND-

THE COMMISSIONER OF THE ROYAL
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First Defendant

-AND-

THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS

Second 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 []

Service of the Writ is acknowledged accordingly

(Signed) _____

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 BARRISTERS
ATTORNEYS-AT-LAW
40 LINWOOD STREET
PO BOX 2503
GRAND CAYMAN KY1-1104
CAYMAN ISLANDS, BWI

Endorsement 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 endorsement]