

IN THE GRAND COURT OF THE CAYMAN ISLANDS

HOLDEN IN GEORGE TOWN, GRAND CAYMAN

CAUSE NO. 395 OF 2011

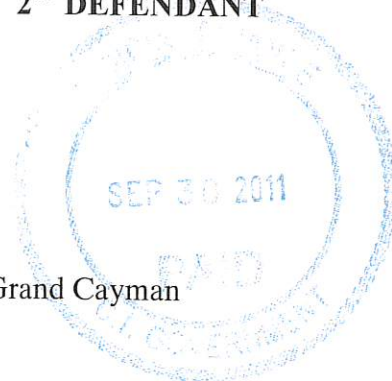
BETWEEN McKEEVA BUSH PLAINTIFF

A N D RANDY MERREN 1st DEFENDANT

A N D HURLEY'S ENTERTAINMENT CORPORATION 2nd DEFENDANT



WRIT OF SUMMONS



TO: RANDY MERREN, George Town, Grand Cayman
HURLEY'S ENTERTAINMENT CORPORATION, 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 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 495G, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein 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 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 further notice.

Issued this day of 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 order of the Court.

IMPORTANT

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

ENDORSEMENT

The Plaintiff **McKeever Bush, OBE, JP** Premier of the Cayman Islands, whose address for the purposes hereof is 64 Captain Allie Road, West Bay, in the Cayman Islands, claims jointly and severally against the First Defendant **Randy Merren** of George Town, Grand Cayman, Cayman Islands, the owner and Managing Director of the Second Defendant **Hurley's Entertainment Corporation**, a company duly incorporated under the Laws of the Cayman Islands with offices situated at Shamrock Road, Grand Cayman in the Cayman Islands, the owners and operators of the radio station Rooster 101.9, producers and publishers of the radio programme "Cross Talk" which is broadcast and published on the said station aired on frequency 101.9FM and live at the website www.rooster101.ky, for compensatory, aggravated and exemplary damages for libel contained in and published in and on the radio programme "Cross Talk" on or about the 17th and 24th days of May, 2011, wherein it was falsely and maliciously published by the First and Second Defendants of and concerning the Plaintiff.

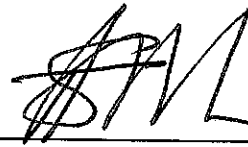
As a result of the said publications, the Plaintiff has suffered loss and damage.

AND THE PLAINTIFF CLAIMS against the defendants jointly as severally:

- i. Damages;
- ii. Exemplary and/or aggravated damages;
- iii. Interest thereon as to the Honourable Court seem just;

- iv. An injunction restraining the Defendants whether by themselves, their servants and/or agents or otherwise, from further publishing or causing to be published, the said words or any words similarly defamatory of the Plaintiff.
- v. Costs;
- vi. Attorney's costs.

Dated this 30 day of September, 2011



**A. Steve McField & Associates
Attorneys-at-Law for the Plaintiff**

This WRIT OF SUMMONS was FILED by A. STEVE MCFIELD & ASSOCIATES of P.O. Box 680 GT, Grand Cayman, KY1-1107, Cayman Islands, Suite D2, Cayman Business Park, 10 Huldah Avenue, Attorney-at-Law, whose address for service is that of his said Attorney-at-Law.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

HOLDEN IN GEORGE TOWN, GRAND CAYMAN

BETWEEN **McKEEVA BUSH**

A N D **RANDY MERREN**

A N D **HURLEY'S ENTERTAINMENT CORPORATION**

CAUSE NO.

395 OF 2011

PLAINTIFF

1st DEFENDANT

2nd DEFENDANT



STATEMENT OF CLAIM

1. The Plaintiff **McKeeva Bush, OBE, JP** is and was at all material times the Premier of the Cayman Islands and has served as the Premier from the 27th day of May, 2009 to the present time. The Plaintiff is 56 years of age and is held in high regard, enjoys good credit, character and reputation not only in the Cayman Islands but internationally.
2. The First Defendant is a radio broadcaster, and the Second Defendant, **Hurley's Entertainment Corporation**, is a company duly incorporated under the Laws of the Cayman Islands with offices situated at Shamrock Road, Grand Cayman in the Cayman Islands, are the owners, producers and publishers of the radio programme "Cross Talk" which is broadcast and published on the radio station Rooster 101.9 on frequency 101.9FM and live at the website www.rooster101.ky, where at all material times the website was open to general access by any user of the World Wide Web.
3. The First and Second Defendants broadcast programmes via radio for general reception in and around the jurisdiction of the Cayman Islands.
4. On the 17th day of May, 2011 during the course of the programme "Cross Talk" on Rooster 101.9, a caller, now known to have been Ms Daphne Orritt, spoke and uttered, and the First and the Second Defendants broadcast and published or caused to be

broadcast and published by radio and their website the following false and malicious words defamatory of the Plaintiff to wit:-

- i. "I speak specifically and I cannot any longer keep it hold it back.
- ii. But you can allow a man that you're getting complaints about to stand up behind the sacred pulpit and lead your congregation in song with one, and then the other and then the other just quietly slipping out leaving the church. This has to be wrong. I don't care whether it's the King of England; it doesn't matter to me about whether it's the Premier.
- iii. I asked someone what in the world are these two big plagues doing sitting up herein the foyer of this church by the Honourable you know who. What are these plagues doing here? You know what their response was? Well he owns the church. Didn't he pay 150 thousand dollars for the pews? Well my information on that from one of his gambling colleagues was that he said you know what there's some body in the States well it wasn't long after the pews came in. How they came in I don't know."

5. On the 24th day of May, 2011 during the course of the programme "Cross Talk" on Rooster 101.9, the caller spoke and uttered, and the First and Second Defendants falsely and maliciously broadcast and published or caused to be broadcast and published by radio, of and concerning the Plaintiff, the following defamatory words that is to say:-

- i. "From the start of this administration it was destined for failure. It was destined for failure because it started off with so much corruption that it was pitiful. Now let me say this, and I will close off very shortly. This morning you won't have to tell me, you know. But this past Sunday, The Premier no less, gets up on the platform of his Church and he categorically denied everything that has rumored about him in recent month, recent years.
- ii. And the facts remain now its one thing to do something but to get behind the sacred desk to refute what he knows to be the truth.
- iii. And I'm saying to you, well you will know this, going back into the word Ananias and Saphirah were struck dead in front of the alter, for what, lying."

6. The Plaintiff will at the trial refer to the abovementioned published words on the 17th day of May 2011 and the 24th day of May 2011 on the Rooster 101.9 "Cross Talk" programme for their full meaning and effect.
7. The publications were defamatory and in their natural, normal and ordinary meaning, the said words were meant and were understood to mean inter alia:-
 - a) The Plaintiff raised funds to assist the Pilgrim Holiness Church from gambling and illicit sources;
 - b) The Plaintiff is hypocritical and unworthy to speak in the Church;
 - c) The Plaintiff brought pews in the Church in a questionable or irregular manner;
 - d) The Plaintiff is to be likened to biblical characters, Ananias and Saphirah.
8. The aforesaid publication of the aforementioned words by the Defendants was published throughout the Cayman Islands and to the entire world via the Internet on the World Wide Web as aforesaid, where at all material times the website was open to general access by any user of the World Wide Web.
9. The said words set out at paragraphs 4 and 5 above were transmitted and/or caused to be transmitted and published at terminals on the World Wide Web until at least the date of filing hereof.
10. At the relevant times, the World Wide Web had millions of users, all of whom had free and open access to the words complained of. It can be inferred that a large and unquantifiable number of users listened to the broadcast. In particular, the Defendants transmitted and published or caused to be transmitted and published, the publication to the citizens of the Cayman Islands.
11. Further or alternatively, as the Defendants well knew, that once the publication was made on the World Wide Web it could and would be accessed by a substantial and unquantifiable number of subscribers of other provider systems in the Cayman Islands and around the world. The Defendants knew and intended that the said publication

should be so republished and/or such republication was the natural and probable consequence of the Defendants publication on the World Wide Web.


12. The publication of the said words have severely injured the Plaintiff in his credit, character and reputation and in the way of his profession, business and office, and has been brought into public scandal, odium and contempt not only in the Cayman Islands but also internationally.
13. Further, the said words were calculated to and they did disparage the Plaintiff in his profession and in his office as Premier of the Cayman Islands. The Claimant has been severely damaged in his character and reputation and has been caused considerable distress and embarrassment not only to himself and his wife but to the rest of his family and colleagues.
14. The Defendants refused to publish an apology despite the fact that the Plaintiff requested the Defendants so to do.
15. The Plaintiff claims exemplary and/or aggravated damages and will rely on the following, inter alia, in proof of the said claim for exemplary and/or aggravated damages:-
 - a) The Defendants acted out of spite and with reckless disregard for the truth and in failing to ascertain from the Plaintiff the truth regarding the aforementioned.
 - b) The aforementioned publications by the Defendants were known by the Defendants to be false, and were deliberately and willingly calculated by the Defendants to damage the Plaintiff socially, politically and otherwise and in his profession, business and office, and consequently the Claimant suffered great loss and damage to his reputation and office as Premier of the Cayman Islands.
 - c) The aforementioned publications by the Defendants were know by the Defendants to be false, and were deliberately and willingly calculated by the Defendants to damage the Plaintiff, his wife and his family, individually and collectively, both socially, professionally and otherwise.

- d) In the premises the Defendants and each of them, published or caused to be published the said words knowing they were false or recklessly, not caring whether they were true or false, having calculated that the benefit to them in terms of increased listenership, would outweigh any compensation payable to the Plaintiff.
16. In consequence of the said words by the Defendants, the Plaintiff's credit, character and reputation has been severely damaged politically, socially and in his business. The Plaintiff has been brought into public scandal, odium and contempt and has suffered considerable distress and embarrassment.
17. Unless restrained by this Honourable Court the Defendants will further publish or cause to be published the said or similar words defamatory of the Plaintiff.

AND THE PLAINTIFF CLAIMS:

- i. Damages;
- ii. Exemplary and/or aggravated damages;
- iii. Interest thereon as to the Honourable Court seem just;
- iv. An injunction restraining the Defendants whether by themselves, their servants and/or agents or otherwise, from further publishing or causing to be published, the said words or any words similarly defamatory of the Plaintiff.
- v. Costs;
- vi. Attorney's costs.

Dated the 30 day of September 2011


A. Steve McField & Associates
Attorney-at -Law of Plaintiff

This Statement of Claim was settled by Mr. Howard Hamilton, Q.C


Howard Hamilton, Q.C

This Statement of Claim was FILED by A. STEVE MCFIELD & ASSOCIATES of P.O. Box 680 GT, Grand Cayman, KY1-1107, Cayman Islands, Suit D2, Cayman Business Park, 10 Huldan Avenue, Attorney-at-Law, whose address for service is that of his said Attorney-at-Law.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

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CAUSE NO.

395

OF 2011

BETWEEN McKEEVA BUSH
A N D RANDY MERREN

PLAINTIFF

1st DEFENDANT

A N D HURLEY'S ENTERTAINMENT CORPORATION

2nd DEFENDANT

ACKNOWLEDGMENT 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 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)

Service of the Writ is acknowledged accordingly

(Signed)

[Attorney] for

[Defendant in person]

Address for service:

Please complete 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 or principal 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.

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