

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 165 OF 1997

BETWEEN:

SHERLENA WRIGHT

PLAINTIFF

AND:

JERRY MANDERSON

DEFENDANT

WRIT OF SUMMONS

TO: JERRY MANDERSON
George Town, Grand Cayman
No fixed address

MAR 13 1997

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 Acknowledgement of Service stating therein whether you intend to contest 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 further notice.

Dated the 12 day of March 1997

Issued this day of 1997

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.

STATEMENT OF CLAIM

1. The Plaintiff is a resident of George Town, Grand Cayman.
2. The Defendant is a resident of George Town, Grand Cayman, and a person with whom the Plaintiff has had a relationship for approximately 15 years.
3. The parties have had together 2 children as follows:
 - Jester Manderson, born Feb 4th, 1983 (now aged 14)
 - Metisha Manderson, born Feb 3, 1982 (now aged 15)
4. During the period of the relationship the parties had cohabited for extended periods of time. During periods that the parties maintained separate residences, the Defendant would spend considerable time at the Plaintiff's place of residence including overnight visits.
5. On October 16, 1996, the Plaintiff attempted to break off the relationship. On that occasion, the Defendant came to her residence insisting on having sexual relations. The Plaintiff refused and an argument broke out. The Defendant stabbed and slashed the Plaintiff causing injury requiring hospital admission and treatment.
6. The Defendant was charged and convicted for the assault and was incarcerated from the date of his arrest until his release on or about March 6, 1997.
7. The Plaintiff is an attendant at the parking facility at the West Wind Branch of Cayman National Bank. Her office is a small booth located in the parking facility. There are essentially no other staff around where she works and is vulnerable to the predatory conduct of the Defendant.
8. Since his release the Defendant has continued to harass, threaten and intimidate the Plaintiff as follows:
 - a. On February 28, a man who the Plaintiff believes was the Defendant called a woman at a shop adjacent to her place of work, asking for the Plaintiff. He did not leave his name but said he would call back.
 - b. On March 5, 1997, the Defendant's niece, Lisa, told the Plaintiff that the Defendant would be released the next day. Lisa told her that the Defendant said that he would be looking for the Plaintiff.
 - c. On the morning of March 6, the Respondent came to the Plaintiff's work place, said good morning and left. The Plaintiff believes that this was an attempt to intimidate her as he had been clearly informed that the relationship was over.

- d. The Respondent came back around 11:00 am and told the Plaintiff that he wanted to see the children and that she must bring them to him. She told him that the children would see him if they chose. He told the Plaintiff that he knew of her new relationship further he was angry about acquaintances of Jester's. The whole experience was threatening to the Plaintiff and was an attempt by the Defendant to intimidate or harass her.
- e. On Friday, March 7, 1997, the Defendant shows up at the Plaintiff's work place at about 11:58 am, saying, among other things, that she may think that it is over but it was not. He said that she was living with a queer and that she had s**t in my gut. He said that the Plaintiff would have to leave Cayman. He asked her whether she wanted him to punch me in the face all the while trying to aggressively touch her. The Plaintiff was extremely upset about this encounter which was both verbally and physically threatening.
- f. In about an hour he returned and attempted an apology. He also started to ask the Plaintiff personal questions about her new relationship and again threatened to punch her in the face.
- g. Later that afternoon, the Defendant was watching the Plaintiff at work but from a distance.
- h. Even later in the afternoon, around 4:15 pm, he returned to her work place and stood by the door to her booth but he did not say anything. The Plaintiff found this again to be very intimidating.
- i. Later in the evening, about 6:20 pm, the Defendant came to the Plaintiff's home while she was asleep and entered into her house. There, he threatened to break up her doll house to bits and then left cussing.
- j. On Sunday morning, March 9, 1997, at about 8:55 am, the Plaintiff saw the Defendant in town while she was picking up some groceries when he appeared unexpectedly. At that time he threatened to break up her doll house, a possession he knows she value greatly and he called her boyfriend and her "niggers". The Defendant cornered her behind the Harbour Centre and started to argue with her. She asked him if he didn't think he had done enough with the knife already to which he responded that was not enough. He then asked her for some money. The Plaintiff was very frightened and shaken by the incident.
- k. The Defendant on the same day came to the Plaintiff's house when she was absent. The Plaintiff's mother called the Police.
- l. He returned later around 7:45 pm, and spoke to their daughter who said that she did not know when the Plaintiff would be home.

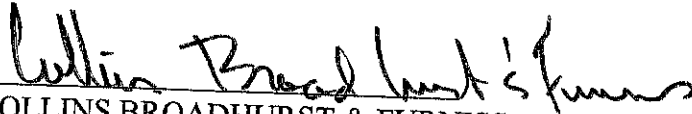
- m. On Monday morning, March 10, 1997 at about 6:15 am, the Plaintiff saw the Defendant walking across her yard. He called out to her that she was "garbage" and cussed at her. An argument followed again and he finally left after stating that he was going to get her .
 - n. As a result of this, the Plaintiff arrived at work late at about 8:30 am. The Defendant showed up at about 8:35 am and said that he would not be bugging her anymore. She found just his presence to be very intimidating and threatening.
 - o. Again at 3:00 pm he came by her booth apparently looking for a telephone number. The Defendant again was simply harassing her as the telephone number that he was looking for was one that is listed in the telephone directory
 - p. At about 5:15 pm on March 10, 1997, the Defendant followed the Plaintiff home from work all the time using abusive language. His voice was angry and loud and he used a number of sexual insults. He said he would "get me". The distance he followed was from the harbour tourist centre to the hospital. The Plaintiff was alone at the time.
9. The above incidents were reported to the Police shortly after each occurred.
 10. The Defendant has a history of violent behavior. In May of 1996 he was charged and, possibly convicted, following his striking the Plaintiff on the head with a bottle of rum.
 11. In July 1996, the Plaintiff pulled a knife on the Plaintiff saying he would cut her throat. He put down the knife upon noticing that somebody was watching the incident.
 12. About 2 or 3 years ago the Defendant was charged with assault following an incident during which he punched the Plaintiff.
 13. In February of 1994, the Defendant hit the Plaintiff on the head with a hammer threatening to kill her. On that occasion the Defendant told the Plaintiff that if she went to the Police he would "do me and my children".
 14. In November of 1995 the Defendant confronted the Plaintiff while walking to her brother's house at which time he became abusive and followed her to her brother's house. Again he used sexual insults and an argument followed. He stated that he had a mind to cut her throat and he pulled a knife and attempted to stab her.
 15. The Defendant has bragged of his robbery conviction in Jamaican for which he was sentenced to 7 years in prison.
 16. The respondent is a large man, approximately 6 feet, 250 lbs, and has the physical ability and the temper to inflict damage injury on the Plaintiff.

17. The Plaintiff is extremely fearful that the Defendant will continue to harass, threaten and physically harm her unless he is subject to a restraining order. He has an extremely violent temper and has the ability and disposition to inflict great injury.
18. The above conduct constitutes nuisance, assault, battery and trespass to the person.
19. The Plaintiff is in need of an injunction to protect her for the Defendant.

AND THE PLAINTIFF CLAIMS

1. General Damages for battery, nuisance, assault, and trespass to the person
2. Special Damages;
3. An interim and Permanent Injunction enjoining the Defendant from approaching, molesting or harming her in any manner;
4. Cost of this proceeding; and
5. Such further and other relief as this honourable court deems just.

Dated: March 12, 1997


COLLINS BROADHURST & FURNISS
Attorneys-at-Law for the Plaintiff

This Writ of Summons was issued by Collins Broadhurst & Furniss whose address for service is Collins Broadhurst & Furniss, Attorney-at-Law, P.O. Box 2503, George Town, Grand Cayman, Cayman Islands, British West Indies, Attorneys for the Plaintiff.

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS**

1. The accompanying form of *Acknowledgement 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, G.T. Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 not endorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2). the defence must be served within fourteen (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 endorsed on the Writ, the defence need not be served until fourteen (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 within 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 Acknowledgement of Service, that he intends to apply for a stay, execution will be stayed for fourteen 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.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement 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 its 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 19 .

Between:

SHERLENA WRIGHT

Plaintiff

-and-

JERRY MANDERSON

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 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 judgement entered by the Plaintiff (tick box)

Yes []

Service of the Writ is acknowledged accordingly

(signed) _____

[Attorney] for

[Defendant in Person]

Address for service:

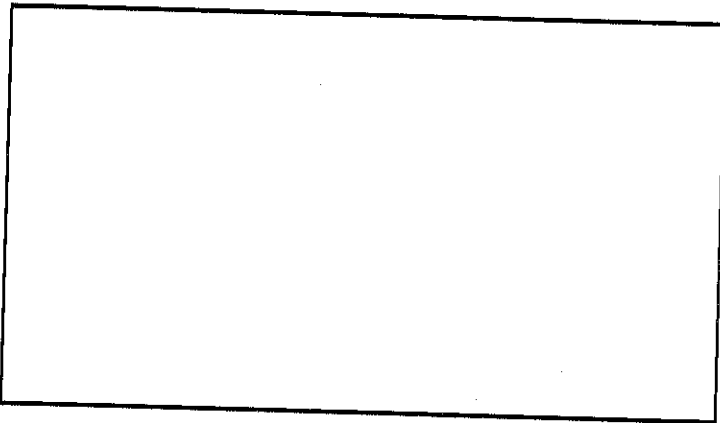
Please see overleaf.....

Notes on address for service

Attorney: where 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.

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



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

