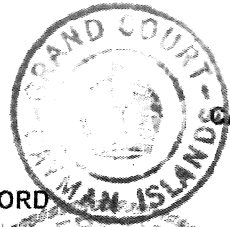


IN THE GRAND COURT OF THE CAYMAN ISLANDS



G0223
CAUSE No. Of 2012

BETWEEN:

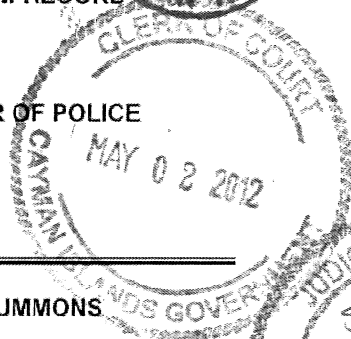
ANSEL GRAHAM-RECORD

PLAINTIFF

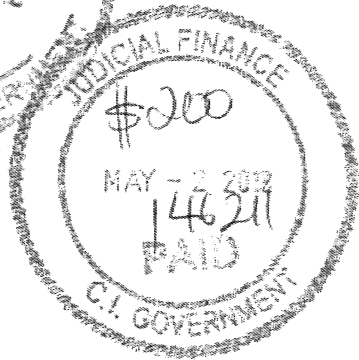
AND:

THE COMMISSIONER OF POLICE

DEFENDANT



WRIT OF SUMMONS



TO: The Commissioner of Police
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 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, 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: 2 May 2012

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.

**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 each Defendant or by each 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 installments or otherwise.

***See over for notes for guidance
Please complete overleaf***

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 2007

BETWEEN: ANSEL GRAHAM-RECORD PLAINTIFF

AND: THE COMMISSIONER OF POLICE 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 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)
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 communication for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

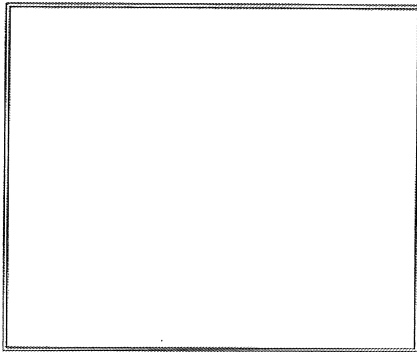
Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Stuaris Walker Hersant
Attorneys-at-Law
Cayman Financial Centre
36A Dr. Roy's Drive
P.O. Box 2510 GT
George Town
Grand Cayman

Ref. 2418

Attent on: Anthony Akiwumi

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



GENERAL INDORSEMENT

The Plaintiff's Claim

1. The Plaintiff's claim is for General, Special and Aggravated Damages to be assessed arising from clinical psychiatric disorders / injuries including, without limitation, post-traumatic stress syndrome, sustained by the Plaintiff during his employment by the Defendant.
2. At all material times and pursuant to the Police Law (2010 Revision) the Defendant was the senior officer responsible for the Royal Cayman Islands Police Service (RCIPS) of which he has command and control.
3. The Plaintiff was employed as a Police Constable in the RCIPS by the Defendant from 1994 until his retirement on 31st May 2011. In the course of his career the Plaintiff, on the instructions of the Defendant, participated in several substantial undercover operations resulting in the interdiction of a substantial quantity of drugs and narcotics proscribed by the Misuse of Drugs Law (2009 Revision).
4. Following a successful drugs interdiction operation, the Plaintiff was required to participate, by giving evidence, in contested extradition proceedings in a foreign jurisdiction. The Plaintiff's identity was revealed in the proceedings resulting in the Plaintiff discovering that threats to his and his family's life had been made by individuals involved in serious crime and in particular the target of the extradition proceedings.
5. Subsequently, in April 2005, the Plaintiff sought the Defendant's assistance for the protection of his and his family's life resulting ultimately with his admission, along with his wife and two children, into an *ad hoc* witness protection programme in an alternative jurisdiction.
6. In circumstances of tremendous stress and mental anguish, the Plaintiff and his family have been exiled from the Cayman Islands since May 2005.
7. Negligently, in breach of contract and in breach of his duty of mutual trust and confidence, the Defendant has, at all material times, failed to provide the Plaintiff with the

support, care and protection consistent with international standards for the protection of exposed witnesses or officers.

8. By reason of the aforesaid, the Plaintiff has sustained severe psychiatric injury including, but not limited to, post traumatic stress syndrome. The Plaintiff will rely on Medical Reports of:
 - a. Dr. E. E. Griffith - Fitness for Duty Evaluation dated August 26 & August 27th 2010;
 - b. Dr. Elma Augustine - Psychological Evaluation dated September 14th 2010;
 - c. Dr. Clement Von Kirchenheim - Psychological Evaluation dated October 28th 2010;
 - d. Cayman Islands Health Service Authority Medical Board of (Drs. Arline McGill, Dr. Delroy Jefferson, Dr. Brian Marshal, Dr. Clement Von-Kirchenheim) - Evaluation dated December 7th 2010 and Signed by Chief medical Officer on December 16th 2010;
 - e. Dr. Mark C. De Luca M.D. - Forensic Psychiatric Evaluation & Report dated March 7th, 2012.
9. On 16th December 2010, by reason of section 35 (1) of the Public Service Pensions Law, (2004 Revision), a statutory Board found that the Plaintiff was "medically unfit" to carry out the job of responsibilities associated with his duty as an employee of the RCIP. The Board concluded that the Plaintiff's persistent medical condition is "a direct result of the hazards of his occupation". The Plaintiff will at trial rely on the Chief Medical Officer's "Certificate for the Confirmation of Inability to Perform Duties Regarding Employment" for its full terms and effect.
10. The Plaintiff's psychiatric injuries including his post-traumatic stress disorder were caused by the Defendant's negligence and breach of contract.
11. Without training or the adherence to other minimum safeguards, the Defendant owed a duty not to expose the Plaintiff to working conditions which were reasonably foreseeably likely to subject the Plaintiff to such stress as to be likely to cause him psychiatric injury.

12. Further or alternatively, the Defendant owed a duty not to expose the Plaintiff to living conditions which were reasonably and foreseeably likely to subject the Plaintiff to such stress or illness taking into account any susceptibility of the Plaintiff of which the Defendant was, or should have been, aware.
13. By reason of the Defendant's failures and consequent on the matters pleaded at paragraph 7 above, the Plaintiff also claims special damages including but not limited the loss occasioned by the repossession of his home in Grand Cayman.
9. In addition, the Plaintiff claims pre-judgment and post-judgment interest on General, Special and Aggravated damages in accordance with the Judicature Law and at a daily rate of interest established at the discretion of this Honourable Court, together with Court costs and Legal fees.
10. Such further and other relief as this Honourable Court may deem just and equitable.


STUARTS WALKER HERSANT
Attorneys-at-Law

2nd May 2012