

IN THE GRAND COURT OF THE CAYMAN ISLAND

Cause NO. SC 60361 of 20 13

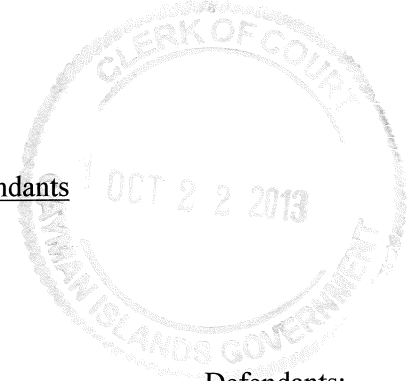
BETWEEN: GEAN I. WELCOME BROWN

Plaintiff

AND: THE GOVERNMENT OF THE CAYMAN ISLANDS

OFFICE OF THE COMPLAINT COMMISSIONER

Defendants



WRIT OF SUMMONS

To the Defendants:

The Government of the Cayman Islands
Attorney General
Office of the Deputy Governor
Head of Governor's Office
Government Administration Building
133, Elgin Avenue GT
Cayman Islands

Office of the Complaint Commissioner
4th Floor, Anderson Square Shedden Road
P.O. Box 2252, Grand Cayman KY1-1107
Cayman Islands

Cayman Island Government
Department of Immigration
94A Elgin Avenue, G T,
Grand Cayman, Cayman Islands

Cayman Islands Government
Health Services Authority
Hospital Road, P.O. Box 915 GT
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 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 22 day of October, 20 13.

PARTICULARS OF CLAIMS

1. The plaintiff, Gean Iglete Welcome Brown is a Caymanian, who is proficient in two languages English and Spanish. She possess a Master's Degree in Human Resources Management, from a University in the Cayman Islands, and a law degree from a University in Colombia, she also has relevant qualifications in teaching, even at university levels, she has various years of experience teaching, and serving as a simultaneous and document translator. She serves as an interpreter before the Courts of the Cayman Islands and had served also as an interpreter before the Immigration tribunal of Appeals. Apart from all being said, the plaintiff possesses Trade and business Licence No 5427, issued on the 19th of March, 2013 to perform translations, teach and other services in the Cayman Islands.
2. On the 3 of July 2013, the plaintiff filed a complaint at His excellency the Governor of the Cayman Islands for the immediate stop of abuses against human rights and quick intervention over the Office of the Complaint Commissioner for the constant insult and derision to human knowledge and therefore failure to execute her functions; the plaintiff also requested an intervention over the Office of the deputy Governor for the non-answer to petition dated 9 of April, 2013.
3. In the complaint the plaintiff established that she filed a complaint before the Complaint Commissioner on the 18 of June 2013 against the Immigration office because she is a translator with a business license to do so in the Cayman Islands. Immigration forbids persons who do business with them to present document translations from translators other than from persons recognized by them to perform translation on islands such as Baraud International and Barnet Curtis. The plaintiff requested the Chief immigration Officer on the 9th of April 2013 to have her recognized as a translator so that translations performed by her and presented to the immigration Department by her customers for the application of any immigration status within the islands would not be denied or rejected. On the 12th Of April, 2013 The Immigration Office via E-mail requested the plaintiff's qualifications which she provided on the 30th of April 2013, but until then an answer to her initial petition dated 9 of April 2013 was not given by the Department of immigration, even though she had reminded them about the situation on the 7 of June 2013. It is to observe that the immigration Department requested the plaintiff qualification when the immigration Department does not possess the records of translators recognized by them to perform translations on islands. This is assumed only requested to the plaintiff, proofs will be provided.
4. The plaintiff also established that on that 21 of June 2013, she received an electronic letter from the Complaint Commissioner stating that she acknowledged the receipt of her complaint filed on the 18th of June 2013, but failed to initiate investigation because the office cannot compel the Immigration Office to enter into contract with her to engage her professional services, suggested the plaintiff should speak to the Deputy Immigration Officer to see what she could do for her, and therefore close her file without giving the plaintiff time to appeal the decision. To this the

plaintiff established to His Excellency the Governor that she was never requesting to work for the Department of Immigration, but to be recognized as a translator or in other words, she was requesting the immigration Department to let her work because she has a business licence to perform translations in the Cayman Islands and they were technically forbidding her clients and possible clients to do business with her, because they, the Immigration Department chooses who they receive documents translations from, brought by customer such as the cases of Barnet Curtis and Baraud International..

5. In the same letter to his Excellency the Governor, the plaintiff pointed out where the complaint commissioner had failed to execute her functions. The plaintiff explained that the complaint commissioner was insulting her knowledge because 1. She was never requesting to work for the Department of Immigration. 2. It did not make sense that the complaint Commissioner was directing the plaintiff to speak with the Deputy Chief Immigration Officer because she had directed her initial petition to the Chief immigration Officer who had more power and is responsible for the entire Immigration Office. 3. That was indeed in the competence of the Commissioner to receive complaints against government entities who failed to answer petitions in time frame, and that was obvious that the Commissioner is not in the capacity to obligate anyone to answer favorably, but yes to exact an answer, whatever may be the response, and to exact the reasons or motives behind their decision. 4. The plaintiff also established that It was also in the faculty of the Complaint Commissioner to see any possible infringement to human rights, since she is the Ombudsman of the Cayman Islands, and in this case discrimination was being compromised since equality to opportunities should be observed with all Caymanians, more over since apparently there is no law which instructs the Immigration Office to choose or to determine among licenses who should they receive document translation from or not. 5. The plaintiff also added that it was also within the functions of the Commissioner to decide about allowances or as what she called damages for the loss of her time, and for being aggrieved with an unlawful action of the Immigration Office and refer His excellency to read Section 14, subsection 4 b; and Section 18, subsection 2 C, of the Complaint Commissioner Law.
6. The plaintiff in the complaint made to His excellency the Governor, established that it was not the first time the Complaint Commissioner was acting awkwardly to her functions, and violating the plaintiff's rights contained in the bill of rights. Similar incident occurred the year before, when the plaintiff was requesting the Commissioner to have the Health Services Authority answer a petition to have doctors' Prathigudupu correct his own notes, because during her visit she did not say things that the doctor established on his notes plus ,there were omissions of what the doctor had told her during her visit, and those were important because it could mean the doctor was trying to ruin the police investigation, since she was remitted by the police to be checked by the doctor for ingested glass splinters that was place in her food by someone; and the only answer the plaintiff was getting from the Health Services Authority in different occasion was that the doctor was on leave without the plaintiff receiving a concrete answer to her petition dated 8 of June 2012.
7. The plaintiff established to his Excellency the Governor that on September 27, 2012, after 1 month and 12 days of not receiving a formal notice of the initiation or resolution of an

investigation on her behalf from the Complaint Commissioner's Office, the plaintiff respectfully requested the Complaint Commissioner to provide updates on the same, since legal term for complaint commission's office to pronounce on the case was far due.

8. On the 4th of October 2012, the plaintiff received a letter from the Complaint Commissioner stating that she acknowledges that the Health Services Authority response was late; but the plaintiff as the complainant received an answer to her complaint, therefore she as the commissioner closed the plaintiff's file, and left no room for appeal. To this the plaintiff established to His Excellency the Governor that the letter from the complaint commissioner was an insult and mockery to her intelligence, as she never received such a response from the HSA, and therefore going against the fairness and transparency that should rule every process, because the commissioner did not give her time to appeal the decision, and closed the file. Proof of this is e-mail letter dated 24 of August where the HSA through Ms. Carlenne Vassell- Webb requested the plaintiff to establish where her complaint should be remitted, and the Plaintiff on the 26 Of August, via Email as well responded that any response should be sent to the Complaint Commissioner, since she should have already initiated investigation against the HSA.
9. On the same letter of the 4 of October 2012, the Commissioner established that the doctor in question was on vacations leave, reason why there was a late response of the Commissioners' office as well. To this, the plaintiff questioned his Excellency the Governor how can a doctor be on leave for 4 months? Because this was what the HSA was claiming all along for not answering petition dated 7 of June 2012. Proofs are on the plaintiff's complaint dated August 8, 2012 logged at the HSA Chief Executive Officer, Lizzette Yearwood and further complaint made at the complaint commissioner's office dated August 13, 2012, numeral 4, logged at the Commissioners' office.
10. Proofs described in Paragraphs 8 and 9 of the particulars of claims prove as well, the inconsistencies of the commissioner when establishing that there was a late response from her because the Doctor in question was on vacation leave. If the commissioner was doing her functions and waiting for the Doctor to come back from his leave, how come during her waiting, the HSA was trying to answer the plaintiff petition, and not the commissioner? These proofs also raises the question as to what the HSA or the Complaint Commissioner's Office use to claim that the Plaintiff had received an answer to her petition- complaint, which indeed, the plaintiff never received.
11. On the same letter 4 of October 2012 the Commissioner's foot notes established: The Complaints Commissioner Law (2006 R) at section 14 (2) notes that investigations are conducted in private, and the procedure is determined by the Commissioner. Investigative documents are not to be made public. Here the plaintiff established to his Excellency the Governor that the Complaint Commissioner omitted the exception to the rule contained in section 16 a. of the Complaint Commissioner's Law, and again left no room for the transparency and fairness that should rule every process. The plaintiff suggested His Excellency to read as well Section 22 a of the same Complaint Commissioner's Law.

12. On the other hand, on the same complaint presented to his excellency the Governor, the plaintiff requested his excellency to have an intervention over the office of the Deputy Governor because the plaintiff had requested Corporate Manager, Christine Wright on the 9 of April 2013, to have her recognized as a translator before the office of the Deputy Governor, since they too, only accept translations that comes from Barnet Curtis and Baraud International, presented by customers applying for naturalization. After three 3 weeks of filling the petition, the plaintiff informed his Excellency the Governor's secretary Penny Knight what was happening, and after a while, the said secretary verbally established to the plaintiff that she had spoken to the Deputy Governor about the Matter, and he verbally had established he would look in to it, but until then, the plaintiff did not receive an answer.
13. On the 5 of July, 2 days after filing the complaint at the Governor's Office, Ms. Samantha Bennett, Deputy Chief Immigration Officer, via E-mail established to the plaintiff that she was writing in reference to her request to be recognized an authorized translator for the Department of immigration, and she stated in other words that the plaintiff petitioned was being denied because the plaintiff does not have a certificate from a university that qualifies her as a translator. Ms. Bennett also advised that the Immigration Office was currently undertaking a review of the requirements for persons to be recognized as local translators that should be completed by mid-October and by then, they would be providing the public with the proper guidelines and requisites for being recognized as an authorized translator.
14. On the 7 of July 2013, the plaintiff via E-mail told Ms. Bennett that her petition dated 9 of April 2013 was clear, as same as the complaint maid to the Complaint Commissioner and her further complaint made to his Excellency the Governor, and it should have been clear by then, that she was never requesting to work for the Immigration Department. The plaintiff added that she did not know if the intention of the Deputy Chief Immigration Officer was to invalidate her petition dated 9 of April, 2013 or to sabotage the investigation that should have been probably going on by then at the office of His Excellency the Governor, as to why she was trying to answer the plaintiff's petition in that manner.
15. On the 8 of July, 2013 Ms. Bennett wrote back to the plaintiff, via E-mail stating she was clarifying her initial letter, and indicated that she really meant when stating "being a translator for the Immigration Department" was in regard to translating documents on customer's behalf in order to be submitted to the Department of Immigration with their applications.
16. On the 10 of July, 2013, the plaintiff, via E-mail replied Ms. Bennett, Deputy Chief Immigration Officer, thanking her for the clarification because appropriate wording are essential for the understanding of a document, indicating as well that a single word can change the whole meaning of what one intended to say. The plaintiff also established that now that she had clarified, and in other words indicated that the plaintiff cannot work for her own customers, and possible customer in her own business to execute translations that should be submitted by them to the immigration Department for the application of any type of immigration status, and considering that in her previous letters she, Ms. Bennet had indicated that a review is being made to the requirements of the immigration Office to recognized document translators, and the same should be finished by

mid-October, the plaintiff requested exercising her constitutional rights to a lawful administrative action that Ms. Bennet would establish on what law, policies, rules, or regulations or procedures, the date of publication or visible place to the public the same could be found that supports the Immigration Department decision to deny the plaintiff application, understanding that for the review of a law policy, regulation, etc., one should have already be in place, but until now, the plaintiff has not received an answer explaining the legal supports to such decision and where the same could and can be found.

17. Around the 29 of July, 2013, the plaintiff received a letter from the Head of Governor's Office, Mr. Gary Benham, stating in other words they cannot do anything regarding the Complaint Commissioner's Office decision towards each entity involved, meaning the Health Services Authority and the Immigration Department, because According to the Constitution, The Complaint Commissioner in the exercise of her functions shall not be subject to the direction or control of any other person or Authority. Mr. Benham also indicated that a judicial review of the Complaint Commissioners decisions would be the plaintiff best option. Mr. Benham in his letter, omitted resolving about the petition logged at the Deputy Governor's Office to have the plaintiff recognized as a translator, and about the discrimination allegations that both the Department of Immigration and the Deputy Governor's Office was possible incurring for only receiving document translations from customers who had their paper translated by people recognized by them to be translators, in example, Baraud International and Barnet Curtis when applying for any type of immigration status or naturalization processes.
18. The plaintiff verifying with the Legislative Assembly and visible places to the public in and outside of both the building of the Department of Immigration and of the new government administration found there are no written and published laws, regulations, policies, rules, procedures or requirements for persons to be recognized as a translator in the Cayman Islands. Days previous to the plaintiff filing the petition to be recognized as a translator, The plaintiff requested information from Ms. Hope, one of the front desk secretaries of the new government administration building about the requirements of the Office of the Deputy Governor to accept document translations that comes from the plaintiff, the said secretary answer was, just direct a letter to Ms. Christine wright, Corporate manager stating that you have a business licence to translate and you request them to recognize you as a translator. On the other hand, days before the plaintiff filed her petition to be recognized as a translator at the Department of immigration, the same had requested information on the same, and an officer said, you just have to direct your petition to Chief Immigration Officer. On April 9, 2013, while the plaintiff was filing her petition, a lady called Ms. Rosetta at the Department of Immigration asked the plaintiff if she had a business license to perform translations on islands. The plaintiff answered yes, presented the proof and the plaintiff's petition was signed and directed to the office of the Chief Immigration Officer. These facts are clear indications that the Government in general has no specific requirements for a person to be recognized as a translator in the Cayman Islands. In fact there are proofs that the immigration Department has been using people without translations qualifications to suit their own internal translation needs.

19. On the other hand the plaintiff would like to add that it is not the first time that the Office of the Deputy Governor is violating the plaintiff human rights with arbitrary actions. Another incident occurred on the 15th of May 2013, when the Office of the Deputy Governor changed the plaintiff's legal names to Gean Martinez Mejia, without the plaintiff previously used her husband's names, had her name deep poll, signed a statutory declaration or gave a simple written authorization indicating that she would adopt other names than her legal names on letter of approval for naturalization as a British Overseas Territory Citizen or elsewhere. At the very beginning the plaintiff thought it was a simple error of the Office of the Deputy Governor, but for the plaintiff surprise, when asked Ms. Christine Wright, Corporate Manager of the Office of the Deputy Governor to kindly have the plaintiff name corrected, the same replied that it is protocol of the Cayman Islands that wives take their husbands' names, and the plaintiff was not in her country Colombia where things were different. She added that if the plaintiff wanted her name to be corrected, she would have to wait until the office of the Deputy Governor expedited her naturalization certificate, and then have her name deep poll before the registry office. After the plaintiff complained at the Governor' office about the arbitrary action of Ms. Christine Wright, and not receiving no answer from the His Excellency the Governor, the Plaintiff directed herself to His Excellency the Governor's Secretary Ms. Penny Knight who indicated that His Excellency had ordered the Deputy Governor to take care of the situation. Minutes later Ms. Knight sent a letter to the plaintiff via email where Ms. Christine Wright was continuing with the abuse, but in a different manner, she was indicating that the plaintiff would have to sign a statutory declaration before a notary public or justice of the peace for the plaintiff to retain her legal names. The plaintiff had to comply with the abusive order of Ms. Christine wright otherwise the plaintiff would have not been scheduled for the naturalization ceremony, as indicated by Ms. Wright in her letter. A person's right to have a name is inalienable, once it is given, no one can or has the right to change it without the person's consent, except he is a child given into adoption. The plaintiff was neither a child in adoption and she never used different names other than her legal names. It is absolutely abusive that the Office of the Deputy Governor walking over the plaintiff rights and freedoms had the plaintiff's legal names changed without her authorization or consent, and then further ordered the plaintiff that in order to retain her legal names, she would have to sign a statutory declaration, otherwise she would have not been scheduled for the naturalization ceremony, which meant that the plaintiff would have not become a British Overseas Territory Citizen.

20. By reason of the matters aforesaid, the Plaintiff has suffered damage caused by the negligence and/or breach of the European Convention of Human rights, the Constitution of the Cayman Islands on the part of the two defendants their servants or agents, and loss of prospective business earnings from the beginning of when damage was caused with an unlawful act of the Government. (Overrule of the House of Lords in *Oliver in Pickett vs British Rail (1980) AC 136i.*)

CONSIDERATIONS OF THE PLAINTIFF TO SUPPORT HER CLAIMS, PARTICULARS OF NEGLIGENCE AND/OR BREACH OF STATUTORY DUTY

Considerations of the plaintiff to support her claims, particulars of negligence and/or breach of statutory duty by the Complaint Commissioner:

- I. Considering that according to the European conventional bill of Rights,(International treaty and law, considered by Jurist Hanz kelsen a higher norm than local laws, because it is binding to all countries parties) now contained in the Cayman Islands Constitution for the only purpose to make it easier for residents and citizens in the Cayman islands to seek justice against violations to fundamental rights and freedoms than taking the long and expensive way before the European Court of Human Rights in Strasbourg, France; Section 7, subsection 1 of the said Constitution and Bill of rights establish: Everyone has the right to a fair and public hearing in the determination of his or her legal rights and obligations by an independent and impartial court within a reasonable time.

- II. Considering that by interpretation of the Complaint Commissioners Law 2006, Revision, the same provides that even though the Complaint Commissioner's investigations shall be conducted in private and she may determine how her investigations may be conducted, Section 16, subsection 1 a and b. establishes: Information obtained by the Commissioner's or his officers in the course of or for the purposes of an investigation shall not be disclosed except:
 - a. For the purposes of the investigation and of any report to be made on the investigation
 - b. For the purposes of proceeding (or possible proceedings) for an offence of perjury connected with an investigation.Exception to the rule, which the office of the Complaint Commissioner did not observe in the plaintiff complaint against the Health Services Authority

- III. Considering that according to the same Complaint commissioner's law Section 22 a, establishes that for the purposes of the law of defamation:
 - a. Any communications made by or to the commissioner for the purposes of a complaint or investigation shall be privileged in the same manner as if it were made in the course of proceedings in the Grand Court.

- IV. Considering that the Complaint Commissioner has as mission statement to the online public, corroborated by the Complaint Commissioner's Law: To investigate in a fair and independent

manner complaints against government to ascertain whether injustice has been caused by improper, unreasonable or inadequate government administrative conduct, and to ascertain the inequitable or unreasonable nature or operation of any enactment or rule of law.

- V. Considering that Cayman Islands Constitution Section 120, Subsection 1. Establishes that the Complaint Commissioner is the Ombudsman of the Cayman Islands, which in other words means, she must act in protection of the rights of individuals that are affected by government decisions or omissions.
- VI. Considering that the Complaint Commissioner omitting her functions, abused of the plaintiff's fundamental rights to a fair and transparent process (contained in the Bill of rights and Freedoms, which is bidding to Britain and all its Overseas Territories) when indicating in her decision of the 4 of October, 2012 that the plaintiff received an answer from the Health services Authority that the plaintiff did not receive, and close her filed without giving her time to appeal.
- VII. Considering that the plaintiff on the 10 of October, 2012, at 15. 29 pm went to the Health Services Authority after seeing the unfair decision of the Complaint Commissioner and notified herself of its Answer.
- VIII. Considering that the response of the Health Services Authority received by the plaintiff on the 10 of October, 2012 was still omitting important information doctor Prathigudupu said on the plaintiff's visit, and the information that the plaintiff provided on her visit was still not corrected properly by the same doctor
- IX. Considering that there is an ongoing police investigation on behalf of the plaintiff, and correct information on doctor's note is vital for the same, and for its transparency and fairness.
- X. Considering that the Complaint Commissioner also violated the plaintiff's fundamental rights to a fair and transparent process, contained in the bill of rights and failed to fulfill her duties as the Complaint Commissioner and Ombudsman of the Cayman Islands when indicating in her decision of the 21 of June 2013 that she subtracted from initiating investigation against the Department of Immigration because her office cannot compel the immigration office to enter into contract with the plaintiff to engage her professional services when the plaintiff was never requesting to work for the Department of Immigration and therefore closed the plaintiff's file without giving her time to appeal the decision, thus passively contributed to the ongoing abuses of the Department of Immigration or the Government in general towards the plaintiff's fundamental rights and freedoms protected by the bill of rights and the Cayman Islands Constitution.
- XI. Considering that even though the Constitution of the Cayman Islands Section 120, establishes that The complaint Commissioner in the exercise of her functions shall not be subject to the direction or control of any other person or Authority, the same does not mean it is license for the Complaint Commissioner to in observe, abuse or violate the fundamental rights and freedoms of individuals protected by the European Convention on Human Rights, international treaty and bill of rights contained in the same Constitution which protects the complaint commissioner from

possible local investigations in the exercise of her functions. The plaintiff by the contrary would argue that the Complaint Commissioner above the same constitution or any local laws is in the obligation to observe and instruct and obligate others to comply with this international treaty, and by virtue of this same international treaty her inobservance and the inobservance of others, in this case, the government is punishable or simply has consequences. In that same trend of thoughts the plaintiff would also interpret that among the conflict of two Constitutional sections and an international treaty, the international treaty prevails, and the observance and enforcement of the same should be rampant, therefore the Courts of the Cayman Islands, in the exercise of the same functions of the Court on Human Rights in Strasbourg, France, imposed by the Cayman Islands Constitution should sanction or make recommendations to sanction any violations to the same international treaty, acting in the protection of fundamental rights and freedoms, there contained.

Considerations of the Plaintiff to support her claims, particulars of negligence and/or breach to statutory duty by the Government of the Cayman Island

- I. Considering that there are sufficient physical proofs, which demonstrate that the plaintiff was never requesting to work for the Department of Immigration or for the office of the Deputy Governor.
- II. Considering that Department of Immigration technically and verbally prevents the plaintiff customers and possible customers to engage her professional translations services on documents that should be submitted to the Department of Immigration for the application of any type of immigrations status in the Cayman Islands, later confirmed in writing by the Deputy chief Immigration Officer on the grounds that the plaintiff does not possess a qualification from a university to do so, and there is no known law, policy, special requirements to support its decision, and with this action violated the plaintiff's rights and freedoms to self-determination to pursue her own economic development, lawful administrative action, and Non-discrimination contained in the Bill of Rights, and Part I, Paragraph 1; Section 19, Subsection (1) and (2) and Section 16, respectively of the Cayman Islands Constitution.
- III. Considering that on July 22 and 25, 2013 requested by the Court Administration of the Cayman islands, the plaintiff served as interpreter for Alura Hernandez Ortiz and Maria Ortiz before the Immigration Tribunal of Appeals where the name of Mr. Harry Nemhard surfaced as the translator of the Immigration Department who interpreted their asylum request and further questions of the same Department of Immigration to determine if the applicants were eligible or not for asylum in the Cayman islands, and as the person who committed errors which indicated not only to not be proficient in one of the languages involved or even not to be a simultaneous or document translator with qualification from a university to so, but rather proven to be a simple immigration officer who the Immigration Department took to serve as translator for their own internal purposes. The name of Mr. Neil Forbes, also Immigration Officer with no apparent qualifications from a university to perform as a translator, also surfaced during the hearing of the two applicants for asylum before the Immigration Tribunal of Appeals because he was the

translator present on behalf of the Immigration Department to guarantee that the translations of the plaintiff and anything said during the session in the Spanish language would not be missed by the members of the Tribunal of Appeals, the same one who ascertained to the plaintiff at the end of one of the sessions that he was simple immigration officer. Facts which not only contradicts totally but leave without base or foundation the arguments of Deputy chief Immigration Officer on electronic letter dated 5 of July, 2013, which was clarified on the 8 of July, 2013 to the plaintiff that to be recognized as a translator of documents, which should be submitted to the immigration Department by customers for the application of any immigration status on island, the same must come from a translator who possesses qualifications from a university to do perform that specific task.

- IV. Considering that there is no written and published law, regulations, policies rules and procedures or requirements that allow the Office of The Deputy Governor to forbids its customers to have their documents translated by translators other than Baraud International and Barnet Curtis for the application of naturalization or registration as a British Overseas Territory Citizen and therefore discriminating the plaintiff's rights of self-determination to pursue her own economic development and to Non-discrimination, contained in the Bill of rights and Part I Paragraph 1, and Section 16, respectively of the Cayman Islands Constitution.
- V. Considering that Department of Immigration, and the Office of the Deputy Governor discriminatory administrative acts to determine who should be recognized as a translator and should they receive translations from in the exercise of their functions, and in especial to exact that translations should come from a university professional in the subject is not one that is taken objectively and in reasonable justification for the interests of defense, public safety, public order or public morality, exceptions to the rule for discriminative laws, administrative acts or independent bodies decisions towards Caymanians. Section 16, Cayman Islands Constitution.

PARTICULARS OF INJURY

- a. The plaintiff has a business licence with No 5427 to perform simultaneous and documents translations issued on the 19th of March, 2013
- b. Even though having a business licence, the plaintiff could not use her business to translate documents for customer that ought to submit translated documents with their application to some type of immigration status before the Immigration Office or for the application of Naturalization or registration of a British Overseas Territory citizen before the Deputy Governor's Office because of the unlawful acts of the Government to discriminate who can perform translations of documents that should be submitted to them, violating the plaintiff's conventional and constitutional rights of self-determination to pursue her own economic development and to Non-discrimination.
- c. The plaintiff has distributed brochures and business cards to a lot of prospective clients, business owners, work permit holders, people who would ask for residence and employment rights, parents

who may require students visa for their children, visitors who may require work permits, people who may aspire for naturalization or to be registered as British nationals and may require documents to be translated at some point in the future.

- d. Because of the distribution of brochures, business cards and the word spreads by friends, students and of the same plaintiff, translations services are requested by many including the Court of the Cayman Islas which has utilized the plaintiff's services in several occasions, including to translate before the Immigration tribunal of appeals in the asylum request of Alura Hernandez Ortiz and Maria Ortiz, other customers such as Henry Marsh, churches,ect.
- e. The plaintiff has also had customers who had required her translation services for documents that should be submitted to the Department of Immigration or to the Office of The Deputy Governor, but had to turn them down because the plaintiff's translation would not be accepted by anyone of these governmental bodies. Among some of the people who had requested the plaintiff's translations services and the plaintiff had to turn down because of her situation with these government bodies are Yesenia Prado, Lilian Bush, and several others. Some names were not even registered by the plaintiff, and the plaintiff assume as well that the word spread that the plaintiff cannot perform translation documents that should be summitted to the Department of Immigrations and the office of the Deputy Governor had affected the business as well.
- f. The violation of the plaintiff's conventional and constitutional rights of self-determination to pursue her own economic development and to Non-discrimination with unlawful administrative acts incurred by the Department of Immigration and the Office of the Deputy Governor has caused the plaintiff general damage for the loss of prospective earning, that if had earned, it would had left Learning Ambassadors in a better position than it is today economically, financial statements will be provided.
- g. The loss of the plaintiff time dealing with the unconstitutional, anti- European convention on Human Rights and in general unlawful administrative acts of the government

PARTICULARS OF GENERAL DAMAGE

- a) The average normal cost for documents translations range between forty dollar CI \$ 40.00 and forty five CI\$ 45.00 profs will be provided from the two persons both the Immigration Department and the office of the Deputy Governor accepts translations from.
- b) The plaintiff normal charges per document translation is thirty five dollars CI \$ 35.00
- c) The plaintiff yearly earnings is approximately thirty eight thousand eight hundred and forty nine dollars CI \$ 38.849 dollar, considering that the plaintiff is not receiving business from persons submitting applications at the Department of Immigration and at the Office of the Deputy Governor.

- d) The average documents that the plaintiff business can translate range between 12-16 pages per day, and she actually does it for one of her customers.
- e) Clients' document translations that should be submitted to the Department of Immigration would be estimated at 6-8 pages per day, received from 4- 8 people per day, the same estimation is assessed for document translations that should be submitted to the Office the Deputy Governor, considering as well that the plaintiff business would be attracting the competency's clients for better price offer.
- f) The plaintiff business is losing approximately CI \$ 5,600 five thousand six hundred dollars per month from persons needing translation to submit applications at the Department of immigration and CI\$ 5,600 five thousand six hundred dollars per month from persons also needing translations to submit application to the office of the Deputy Governor's office as a consequence of the unconstitutional or unlawful actions of these two Governmental bodies to discriminate from whom should they receive translations.

PARTICULARS OF PUNITIVE DAMAGES

1. The anti- conventional and unconstitutional act of the Department of Immigration and the office of the Deputy Governor when violating the plaintiff's rights of self-determination to pursue her own economic development and to Non-discrimination, contain in international treaties and the Constitution of the Cayman Islands.
2. The egregious action of the Deputy Chief immigration Officer when breaching the plaintiff constitutional rights to a fair administrative action and to non-discrimination by producing an administrative action that not only had no legal grounds, but also demonstrated bad faith when stating in letter dated 5 of July 2013, 2 days after the plaintiff had logged complaint at His Excellency the Governor's office that to be recognized as a translator the plaintiff would have to possess university qualifications as a translator to be qualified to do so for customers that ought to submit document translations with their application for an immigration status in the Cayman Islands. Moreover when knowing that the Department of Immigration uses normal immigration officers who do not possess qualifications as a translator from a university to suit their own internal translation or interpretation purposes, fact, which the plaintiff was aware of, but did not have enough proofs of until when the plaintiff translated before the Immigration Tribunal of Appeals on the 22nd and 25th of July, 2013, and where Mr. Neil Forbes admitted to the plaintiff in person that he is a simple immigration officer called to translate before the immigration tribunal of appeals. There is also proofs that the immigration Department had never requested Baraud International and Barnet Curtis proofs that they or their translators possess university qualification as translators because there are no-record what so ever at the Department of immigration of the qualifications of supposed registered languages translators, recognized by them. The latter proof which will be provided in court hearing, indicates that Ms. Bennet, was relying on her sole

arbitrary discretions to determine who can translate documents that should be submitted to the Department of Immigration and that so far the only one that Ms. Bennet had requested to provide proofs of certification from a university, which indicates that the plaintiff is certified to translate document was the plaintiff.

3. The silence of the Deputy Chief Immigration Officer to answer the plaintiff's petition to support the Department of Immigration administrative decision legally, according to her constitutional rights to a fair administrative action, which can be easily be interpreted as well, as an omission with the intention to create or give sufficient time to the government or the Department of immigration to create some sort of way to escape from its legal obligations, should the plaintiff takes the case to a court of law, and perhaps be free of charges or culpability, since it is the Government and it can abuse of its powers towards citizens whenever it wants. This particular behaviour of the administration with its omission shows the grave intention to cause harm to the plaintiff and possible continue with the abusive behaviour, because the action itself resumes to, hey I can do what I want, whenever I want, however I want, and get away with it, if I want just because I am the ruler.
4. The negligence and therefore bad faith of the Head of Governor's Office towards the plaintiff, when Mr. Gary Benham chose to remain silent to answer on His Excellency the Governor's behalf about the non-answer to petitioned dated 9 of April, 2013, logged at the Office of the Deputy Governor by the plaintiff requesting to be recognized as a translator and possible violations to human rights perpetrated by both the Office of the Deputy Governor and the Department of Immigration. Moreover when knowing that the plaintiff could have not logged a complaint at the Complaint Commissioner's office in such regards because the same plaintiff was complaining about the failure of the Complaint Commissioner to deal with similar matter in previous opportunity, and the last resort administratively speaking in trying to find a solution to the problems raised would be the Head of the Governor's Office ordered by His Excellency the Governor. This omission of the Head of Governor's office was meant to cause distress, wear the plaintiff out and shows complete disregards to take the plaintiff complaint about abuses to her human rights seriously. The unlawful omission of this public servant could also be interpreted as giving time to the government to escape from its legal obligations by producing some type of written act, never in existence should in case of a lawsuit from the plaintiff and try to get away with its abusive behaviour towards its own citizens. This omission of the government again portrays the image of, hey, I am the Government, I can do what I want, whenever I want, however I want, and perhaps get away with it, if I want.
5. The arbitrary action of the Office of the Deputy Governor that is going against the plaintiff's rights and freedoms, when ordering the plaintiff to produce a statutory declaration in order to retain her legal names, Knowing that the plaintiff had never used other names than her legal or ever had applied to change her legal names before, and further ordered that if the plaintiff did not produce such statutory declaration she could not be scheduled for the naturalization ceremony, which meant that the plaintiff would

have never become a British Overseas Territory Citizen if the order had not been complied with.

PARTICULAR OF AGRAVATED DAMAGES

1. The egregious action of the Deputy Chief immigration Officer when breaching the plaintiff's constitutional rights and freedoms by producing an administrative action that not only had no legal grounds but also demonstrated bad faith and meant to hurt the plaintiff's feelings, accomplished the purposed it served for, hurt the plaintiff's feelings. The attitude that Ms. Bennet portrayed in her actions and omissions even though not explicit they were implicit to say I have no need to recognize your rights, and I am going to walk upon because I feel like, and at the end you will have to wait until I produce something where I could benefit you or not. The complete disregard of Ms. Bennet to support her decision even though the plaintiff requested her to do so after she had produced an unfair administrative action shows the complete disrespect for the plaintiff, the disposition of hers to walk over the constitution and continue with the abuse regardless, and that Ms. Bennet had some type of discriminatory reasons to do so. The plaintiff did not know the specific reasons for her being discriminated by the Deputy chief Immigrations Officer, but the implicit saying of Ms. Bennet in her action and omissions was sensed by the plaintiff and connected with the only type of discrimination the plaintiff had experienced before with the government as to why the plaintiff who was very, very hurt told her in writing that she, the plaintiff did not have the fault of was not born in the Cayman Islands, but by the contrary it was her great grandparents Patridge Welcome-Watler and Abner Welcome who decided to leave the Cayman Islands and go to the other man's country to have a better life, as many did, since long distances to fetch water and mosquitoes and other precarious situations were in what they were living. And in the other man's country their children gave- in to marriage and start a family with women and men from the other man's country, but in spite of the circumstance my grandfather Thomas Welcome kept his British passport and nationality so that his family could come home one day and exercise their rights, as what the plaintiff did.

PARTICULARS OF PUNITIVE DAMAGE

1. The violation of the plaintiff's fundamental rights to a fair and transparent process by the Complaint Commissioner when closing the plaintiff's file without giving her time to appeal her decisions in two separate occasions, and therefore unobserving the Complaint Commissioner duties in the light of the Complaint's Commissioner's law and other applicable laws.

And the Plaintiff claims

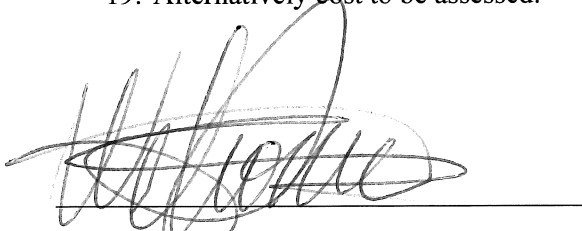
1. That the plaintiff's rights and freedoms in the Cayman Islands will be guaranteed as indicated in Part I of the bill of rights, now contained in the Cayman Islands Constitution.

2. That in the protection of the plaintiff's rights and freedoms, an order to stop unlawful and discriminative actions and behaviors towards the plaintiff, which are preventing her from exercising her rights of self-determination to pursue her own economic development by translating documents for her customers that ought to be presented together with their applications to the Department of Immigration, Deputy Governor's Office or other Public entities would be issued.
3. That in the protection and restoration of the plaintiff's conventional and Constitutional rights and freedoms and the prevention of any further verbal violation to the same regarding the translations of documents that should be submitted to the Department of Immigration, Office of the Deputy Governor or any governmental entity a written statement which should be placed in visible place to the public which indicates the order of the Grand Court to stop such abuses against the Plaintiff would be issued.
4. That in the protection of the plaintiff conventional and constitutional rights to a fair and transparent process that was violated by actions or omissions of the Office of the Complaint Commissioner in the execution of its functions regarding the Health Services Authority possible involvement and responsibility in the omission and alteration of important information provided by the plaintiff on her visit with Dr. Prathigudupu and placed on medical records subject to police investigation would be examined.
5. That in the examination of the Health Services Authority possible responsibility in Dr. Prathigudupu possible involvement and responsibility in omitting and altering important information provided by the plaintiff, victim of food contamination with glass splinters on the day the police had remitted her for medical examination and placed on medical records; the honorable magistrate would analyze or examine all evidence provided or requested by the plaintiff
6. That in the examination of evidences Dr. Prathigudupu would be questioned by the plaintiff regarding the reasons for omitting or altering on medical records important information provided by the plaintiff on the day of her visit and perhaps about the omission of some of his duties as a medical practitioner.
7. That in the examination of evidences the Honorable Magistrate would require the Health Services Authority to provide a thorough explanation, providing evidences as to why Dr. Prathigudupu took 4 months to answer the plaintiff's petition to have his notes corrected, since there is evidence that in letter received on the 2 of August 2012 by the office of the Chief Executive Officer of the HSA, and later complaint made at the Complaint Commissioner's Office on the 13 of August 2012, the plaintiff was all along claiming that the supposed non-answer of the HSA to the plaintiff's petition dated 7 of June, was that the doctor in question was on leave, according to subordinates at the same HSA. This is requested also because the Complaint Commissioner after 1 month and more than twelve days, established on letter dated 4 of October, 2012 to the plaintiff that she could have not done anything on her behalf before, due to vacations leave of the same doctor in question.

8. That in the protection of the plaintiff's human rights, contained in the bill of rights to a fair and transparent process, which is higher than the Cayman Islands Constitution itself, because it is an international law over a local law, a review of the Complaint Commissioner's functions in the light of the bill of rights, the Constitution, the Complaint Commissioner's law, the proofs presented by the plaintiff and perhaps those that results from the examination of evidences during this process would be done, along with further recommendations to the Honorable Legislative Assembly and to the Government in cabinet on the findings of the review.
9. That after the examination of evidences requested by the plaintiff and others that may be requested by the honorable magistrates regarding the omissions of Dr. Prathigudupu's notes, and the honorable magistrates found that such omissions were important as to affect in a negative way actual police investigation on the plaintiff's behalf, the same honorable magistrates would order the necessary sanctions to all of the ones involved in such actions and omissions and further order whatever its necessary for the correction of the same .
10. Damages for the loss of prospective business earnings for the whole of the business pre-injured life expectancy would be calculated and awarded to the plaintiff. Overrule of the House of Lords in *Oliver in Pickett vs British Rail (1980) AC 136*. Understanding that the business earning of Learning Ambassadors, the plaintiff's business would have not been affected negatively if was not for the Department of Immigration and the Office of the Deputy Governor violating the plaintiff's conventional and constitutional rights of self-determination to pursue her own economic development and to Non-discrimination with unlawful administrative acts.
11. Damages would be calculated and awarded to the plaintiff for the loss of her time dealing with the unlawful administrative acts of the government.
12. That exemplary or punitive damages would be assess and awarded to the plaintiff for the anti-conventional and unconstitutional act of the Department of Immigration and the office of the deputy Governor violating the plaintiff's rights of self-determination to pursue her own economic development and to Non-discrimination, contain in international treaties and the Constitution of the Cayman Islands.
13. That in the same manner aggravated damages would be assessed for the egregious action of the Deputy Chief immigration Officer for hurting the plaintiff's feelings with implicit messages, and further decision to continue with the discriminative omission to legally support her administrative decision, according to section 19 of the Constitution of the Cayman Islands, even though the plaintiff in writing was showing signs of being emotionally hurt and further requested the same Deputy chief immigration Officer to support such decision according to the law.
14. That exemplary damages would be assessed and awarded to the plaintiff for negligence and therefore bad faith of the Head of Governor's Office towards the plaintiff, when Mr. Gary Benham chose to remain silent when answering on His Excellency the Governor's behalf about the non-answer to petitioned dated 9 of April, 2013, logged at the Office of the Deputy Governor by the plaintiff regarding the request to be recognized as a translator and possible

violations to human rights perpetrated by both the Office of the Deputy Governor and the Department of Immigration .

15. That punitive or exemplary damages would be assessed and awarded to the plaintiff for the unlawful administrative action of changing the plaintiff's legal names without the plaintiff using other names before or providing her consent to have her names changed, and further gave the order that if the plaintiff wanted to retain her legal names she ought to signed a statutory declaration indicating that she wished to do so, otherwise she would have not been scheduled for the naturalization ceremony, which meant not becoming a British Overseas Territory Citizen.
16. That punitive damages would be assessed and recommended to be awarded to the plaintiff by whoever it may correspond for the violation of the plaintiff's fundamental rights to a fair and transparent process by the Complaint Commissioner.
17. That cost would be calculated and awarded to the plaintiff for the silence of the Deputy Chief Immigration officer to answer the petition of the plaintiff to support her decision in base to a fair administrative decision, exact by the constitution of the Cayman Islands.
18. That costs would be calculated and awarded to the plaintiff for the silence of the Head of Governors Office when answering on His Excellency the Governor's behalf about the non-answer to petitioned dated 9 of April, 2013, logged at the Office of the Deputy Governor by the plaintiff regarding the request to be recognized as a translator and possible violations to human rights perpetrated by both the Office of the Deputy Governor and the Department of Immigration.
19. Alternatively cost to be assessed.



Plaintiff's Signature

Plaintiff's address for service

Our Haven Way, Crew Road Apt. # 03
G.T. Grand Cayman
Cayman Islands
Cell phone No 9391396

BETWEEN: GEAN I. WELCOME BROWN

Plaintiff

AND: THE GOVERNMENT OF THE CAYMAN ISLANDS

Attorney General
Office of the Deputy Governor
Head of Governor's Office
Department of Immigration
Health Services Authority

Defendants

OFFICE OF THE COMPLAINT COMMISSIONER

**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)

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)

yes

no

Service of the Writ is acknowledged accordingly

(Signed).....

Attorney for

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.

The plaintiff's address for service

Gean I. Welcome Brown
Our Haven Way, Crew Road Apt. # 03
G.T. Grand Cayman
Cayman Islands
Cell phone No 9391396

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