

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. *402* OF 2013

BETWEEN: Cayman Islands Forensic Service Ltd.
& Andrew A. Miller

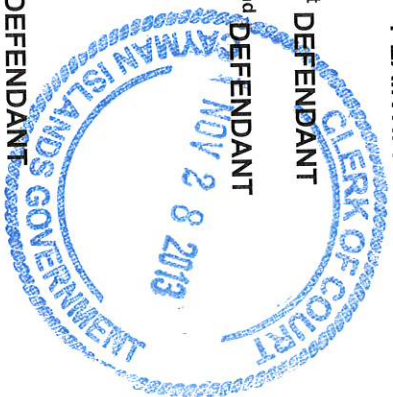
PLAINTIFF

AND: Chief Immigration Officer of the Cayman Islands

1st DEFENDANT

AND: The Attorney General of the Cayman Islands

2nd DEFENDANT



WRIT OF SUMMONS

TO: Chief Immigration Officer of the Cayman Islands
Immigration Department, Elgin Avenue
George Town, PO Box 1098, Grand Cayman
KY1-1102

1st DEFENDANT

AND TO: The Attorney General of the Cayman Islands
Attorney General's Chambers, Govt. Admin
Building, PO Box 104, Grand Cayman
KY1-9000

2ND DEFENDANT

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 Acknowledge of Service stating therein whether you intend to contest these proceedings.

If you fail to supply the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement 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 *28th* day of *November* 2013.

NOTE – This Writ may be served later 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 Acknowledgement of Service are given with the accompanying form.

This Writ of Summons was filed by H. Phillip Ebanks, Attorney at Law, for the Plaintiff, whose address for service is 62 Hospital Road Plaza, George Town, PO Box 30422, Grand Cayman, KY1-1202.

STATEMENT OF CLAIM

1. The company Cayman Islands Forensic Service Ltd. ("Company") at material times carried on the business of providing specialty services on forensic and related areas, including consultancy and providing reports on such matters which includes biometrics systems (fingerprints) and criminal background checks. The said services are principally provided through its director, Andrew A. Miller (Director), a certified finger prints expert, Home Office qualified, registration number 1387 (the Company and the Director together herein the "Plaintiff").
2. At a meeting between the Plaintiff and the 1st Defendant in June 2008, the Plaintiff and the 1st Defendant discussed the matter of the Plaintiff providing services to the 1st Defendant in relation to researching and providing a report on systems of conducting individual background checks and to discover fraudulent travel documents ("Services") for employment by the Immigration Department of the Cayman Islands.
3. The 1st Defendants' deputy, Ms Jeanie Lewis, responded to the Plaintiff's proposal to provide the Services, which included fees and timescale for providing the Services. Ms. J. Lewis re-confirmed by telephone conversation with the Plaintiff and by email of 30 July 2008 ("Lewis' Response") that the Plaintiff that he was to "proceed" with the said report and to "inform the Chief" as soon as the completed the report.

4. The Plaintiff did provide the Services to the 1st Defendant which included research of 176 hours and an 18 page report with recommendations on the matters researched ("Report").
5. In the conduct of provision of the Services and preparing the Report the Plaintiff's bill for the Services after discount comes to \$54,000 (the Bill Due").
6. On 4 November 2008, 1st Defendant did meet with the Plaintiff, signing for it and has subsequently remained in possession of the Report.
7. During period in which the Report has been in the procession of the 1st Defendant it has been used and or referred to being in the possession of and or referred to by Members of the Government and Legislative Assembly of the Cayman Islands.
8. On 5, 8 and 25 November 2008, the Plaintiff submitted invoices to the 1st Defendant for payment of the Bill Due as well as letters sent further the current Chief Immigration Officer, Chief Financial Officer, The Minister of Finance and the Chief Immigration Officer at the material time (and now Deputy Governor), but the 1st Defendant has failed to make payment of the Bill Due or any part thereof.

Particulars

9. The Plaintiff claims:

- (a) Principle sum of \$54,000
- (b) Interest thereon in accordance with the provisions of the Judicature Law (2007 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time (currently at 2 3/8 % per annum).

Statement Regarding Interests

10. The Plaintiff seeks:

- (a) pre and post judgment interest from the date of issue of the Writ on the unpaid balance in accordance with the provisions of the Judicature Law (2007 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time (currently at 2 3/8 % per annum).
- (b) the Interest claimed is from 4 November 2008.
- (c) the amount of Interest owing at the date of issue of this Writ is \$6,468.66.
- (d) the amount of interest accruing each day following the issue of this Writ is \$3.51.

AND THE PLAINTIFF CLAIMS:

- A. The said sum of 54,000.
- B. Pre and post judgment interest from the date of issue of the Writ on the said sum of \$54,000 in accordance with the provisions of the Judicature Law (2007 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.

C. Costs or alternatively fixed costs in the sum of \$500 plus filing fees and bailiff's fees for service.

If within the time for returning Acknowledgement of Service the Defendants pay to the Plaintiff's Attorney at Law the total amount of \$54,000 (together with interest and costs of \$500) all further proceedings will be stayed.

Dated 28 November 2013

A handwritten signature in blue ink, appearing to read 'H. Phillip Ebanks', is written over a horizontal line.

H. Phillip. Ebanks
Attorney-at-Law

DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS

1. The accompanying form of Acknowledgement of Service should be completed by an Attorney on behalf of the Defendant or by Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, PO 495G, George Town, Grand Cayman.
2. A Defendant who states in his Acknowledgement of Service that he intends to contest the proceedings must also serve a defense 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, 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 defense 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 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 Acknowledgement, 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 overleaf for notes for guidance

Please complete overleaf

Notes of 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 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 form 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 authorized to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney 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. The Defendant acting in person may obtain help in completing the form at the Court Office.

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& Andrew A. Miller

PLAINTIFF

AND: Chief Immigration Officer of the Cayman Islands **1st DEFENDANT**

AND: The Attorney General of the Cayman Islands **2nd DEFENDANT**

WRIT OF SUMMONS

TO: Chief Immigration Officer of the Cayman Islands **1st DEFENDANT**
Immigration Department, Elgin Avenue
George Town, PO Box 1098, Grand Cayman
KY1-1102

AND TO: The Attorney General of the Cayman Islands **2ND DEFENDANT**
Attorney General's Chambers, Govt. Admin
Building, PO Box 104, Grand Cayman
KY1-9000

**ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF SUMMONS**

1. State the full name of the Defendant's by whom or on whose behalf the service of the Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings.

_____ **Yes** _____ **No**

3. If the claim against the Defendant is for a debt or liquidation 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.

_____ **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.

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

H. Phillip Ebanks
Attorney-at-Law
62 Hospital Plaza, George Town, PO
Box 30422, Grand Cayman, KY1-1202,
Cayman Islands

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

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