



No. 1

Writ of Summons (O 6, r.1)

IN THE GRAND COURT OF THE CAYMAN ISLANDS

G0071

CAUSE NO: of 2014

BETWEEN: CADIAN EBANKS

PLAINTIFF

AND: JERUSIAH KANLASINGH

First DEFENDANT

AND: WOODROW FOSTER

Second DEFENDANT



WRIT OF SUMMONS

TO: JERUSIAH KANLASINGH (Assistant Manager)  
Foster's Food Fair Supermarket, The Strand, West Bay Road, Grand Cayman.

TO: WOODROW FOSTER (Manager)  
Foster's Food Fair Supermarket, Airport Road, George Town, Grand Cayman

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within (14 days) after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office P. O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the 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 day of May 2014.

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

AND THE PLAINTIFF claims that he was harassed when shopping at Foster's Food Fair Supermarket at The Strand location on West Bay Road on February 17<sup>th</sup> 2014, between the hours 6pm and 9 pm, by Jerusiah Kanlasingh, Assistant Manager for Foster's Food Fair Supermarket, contrary to Section 88A (1), subsection (a) of the 2013 Penal Code Revision.

AND THE PLAINTIFF claims:

1. AND THE PLAINTIFF claims that he was harassed when shopping at Foster's Food Fair Supermarket at The Strand location on West Bay Road on February 17<sup>th</sup> 2014, between the hours 6pm and 9 pm, by Jerusiah Kanlasingh, Assistant Manager for Foster's Food Fair Supermarket.
2. AND THE PLAINTIFF claims for a false and defamatory statement made by Jerusiah Kanlasingh, Assistant Manager of Foster's Food Fair, The Strand, and conveyed to Woodrow Foster, the Manager of Fosters, contrary to Section 173 [1] [2] & 177 {a} {b} {c} of the 2013 Penal Code;
3. AND THE PLAINTIFF claims under the English Law, specific heading 'Harrassment' which defines and includes, "Harrassment occurs where on grounds of sex, race or ethnic or national origin or sexual orientation or religion or belief or for a reason which relates to a disabled person's ability". When harassment is intended and studied the Criminal Justice and Public Order Act 1994 creates a criminal offence of international harassment.
4. AND THE PLAINTIFF claims that the action made by Jerusiah Kanlasingh, Assistant Manager for Foster's Food Fair Supermarket created and caused intimidation and humiliation, and was hostile, degrading, and offensive.
5. AND THE PLAINTIFF claims that between February 17<sup>th</sup> and February 18<sup>th</sup> 2014 Jerusiah Kanlasingh fabricated a false, defamatory and misleading statement against the Plaintiff.
6. AND THE PLAINTIFF claims for defamation of character under Section 103 of the Penal Code 2007 Revision;
7. AND THE PLAINTIFF claims that due to the malicious accusation (statement) which was intimidating, humiliating, hostile, degrading, and offensive has caused a much greater financial burden having to shop further away;
8. AND THE PLAINTIFF claims on February 18<sup>th</sup> 2014, between the hours of 12pm to 4pm, for the purpose of exchanging goods at Priced Right store, the Plaintiff went across to the Forster's Food Fair supermarket, Airport Road location, to purchase food. Immediately after exiting, the Plaintiff was confronted by Woodrow Forster, the Manager, who stated in a very abrupt, angry and accusing tone of voice, "I have a complaint against you";

9. AND THE PLAINTIFF claims harassment by Woodrow Foster, the Manager of Forster's Food Fair, Airport Road location, for a false, defamatory and fabricated misleading statement;
10. AND THE PLAINTIFF further claims that Woodrow Foster, in his approach, have accepted the false, defamatory and fabricated misleading statement made by Jerusiah Kanlasingh which also created and caused intimidation and humiliation, and was hostile, degrading, and offensive;
11. AND THE PLAINTIFF NOW seeks through this Honorable Court, an unspecified sum from the Defendants for his unblemished character of 80 years and harassment;
12. AND THE PLAINTIFF NOW seeks from the Court an Order of Cease and Desist from the Defendants;
13. AND THE PLAINTIFF NOW says, should the Court fail to award the Plaintiff in this action, the Defendants must bear their own costs;

AND THE PLAINTIFF claims:

1. An unspecified sum from the Defendants for this action;
2. Interest on the sum of CI\$ \_\_\_\_\_ awarded by the Court at the rate of 18% per annum from May \_\_\_\_\_ 2014 to the date of judgment or sooner;
3. Filing Fees;
4. All Legal fees;
5. All Court costs;
6. All Attorney fees;
7. Alternatively the Plaintiff claims interest on the said sum of CI\$ \_\_\_\_\_ pursuant to Section 34 of the Judicature Law (1995 Revision) at the rate of 5% per cent per annum from the date thereof or from the date of judgment or sooner;
8. Cost to be taxed or agreed;



Cadian Ebanks

## 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 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 495G, 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 Plaintiffs (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 Plaintiffs 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 instalments or otherwise.

*See over for notes for guidance*

## 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.

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 Plaintiffs (tick box).

YES

Service of the Writ is acknowledged accordingly

(Signed)

{Attorney} for{ }{Defendant in person}

Address for service

Please complete overleaf

Notes on address for service

*Attorney:* where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

*Defendant in person:* where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

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

Cadian Ebanks P.O. Box 223 NB Grand Cayman Cayman Islands
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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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Appendix

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2014

BETWEEN CADIAN EBANKS

PLAINTIFF

AND JERUSIAH KANLASINGH

FIRST DEFENDANT

AND WOODROW FOSTER

SECOND 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.

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

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2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

Yes

No

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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 the judgment entered by the Plaintiff (tick box)

Yes

No

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Service of the Writ is acknowledged accordingly

(Signed) \_\_\_\_\_

Attorney for

Please complete overleaf

*Appendix*

**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 principle 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.

Cadian Ebanks  
P.O. Box 223 WB  
Grand Cayman KY1-1301  
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.