

IN THE GRAND COURT OF THE CAYMAN ISLANDS



278  
CAUSE NO: OF 2014

BETWEEN: EDWIN ENRIQUE LOPEZ

PLAINTIFF

AND: (1) ORLANDO MASON (DETECTIVE)  
(2) THE COMMISSIONER OF THE ROYAL  
CAYMAN ISLANDS POLICE SERVICES, DAVID BAINES  
(3) THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS

DEFENDANTS

WRIT OF SUMMONS

TO: **ORLANDO MASON**  
Bodden Town Police Station  
Bodden Town  
Grand Cayman  
Cayman Islands

AND TO: **THE COMMISSIONER OF THE ROYAL CAYMAN ISLANDS POLICE SERVICES**  
**DAVID BAINES**  
Police (RCIPS) Headquarters  
George Town  
Grand Cayman  
Cayman Islands

AND TO: **THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS**  
Government Administration Building  
George Town  
Grand Cayman  
Cayman Islands  
(By virtue of the Crown Proceedings Law)

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 KY1-1106, 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 24 day of December 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

1. I am a former Electronic Technician who was legally employed on these islands for over seven years at the moment of my arrest, of good character, clean record and baptized member of the Seven Adventist Church. On Thursday 20 December 2012, Royal Cayman Islands Police Service (Plain Clothes Officers) showed up in my physical address –back then- on 35 Birchwood rd at Sunshine Apartments, I was not there at the moment cause I was working, when I returned home the next morning my rental mates informed me about the issue, I was surprised and decided to go to Central Police Station (GTPS). I had to wait around 1hour for a Detective to assist me, and then the Detectives told me that another Officer from Bodden Town Police Station (BTPS) was looking for me, they proceeded to arrest and process me.
2. My personal property was removed from me, and I was electronically photographed, swabbed for DNA and electronically fingerprinted and the profile "Identifying Material" entered in a Centralized Police Controlled Database. I was subjected to a "pat down" search.
3. Then I was locked down, imprisoned, in a cell at GTPS, I waited around three hours until Detective Orlando Mason from BTPS arrived, then I was conducted to an interview room for questioning and was informed about the cause of my arrest "Suspicion of Burglary". The interview lasted around 1h 30minutes. I did acknowledge that I sold old used blackberries (three phones) to a Colombian lady named Monica months ago. I told them that I am Electronic Technician and usually I buy second hand or broken phones on E Cay Trade, fix these and re-sale the phones at a very reasonable price, then two (2) phones Blackberries 9700 were exhibited during the interview, I was asked if I could recognize it, I told them that the phones looked like the ones I have sold to the mentioned lady. I was asked about the origin, I told them that I was not sure if the working phone (phone number 2) was procured on E Cay Trade or was the one that I had found months ago close to the corner of the PPM headquarters near to my residence. I was asked about other phones that were not the subject of the investigation. The interview was basically addressed to the point of 'from where I did obtain the phone that according to them "was stolen from a house in Bodden Town".
4. The Interview concluded and I was carried escorted to my residence around mid day, Detective Mason and Fernandez did not show to me any kind of Search Warrant but proceeded to search the whole house without further explanation, they took laptops, telephones parts, electronic, etc. From there I was carried to the residence of my friend in 19 Oakland Closed Apt 6 in Windsor Park where I was the night before fixing some computers, once again, without a Warrant or owner's authorization they searched the premise and took two (2) laptops that were there. From there I told them about a mini warehouse in #53 Dorcy Drive that have been used by me and the company I worked for, it was searched without a warrant but honestly nothing was taken from there.
5. As noted, I was arrested on Friday 21<sup>st</sup> December 2012, released the same day on Police's Bail (they seized my personal Dominican Republic Passport) and since then the RCIPS (Detective Orlando Mason) has kept me on Bail-Custody and later since last September in a limbo –It has lasted for over one year (1) and ten (10) months. In spite that several times I have demanded from him (RCIPS) a conclusion or clarification and/or the pressing of charges or my release and return of my personal passport and my properties since I was not and I am not formally charged or prosecuted for any crime at all.
6. Detective Orlando Mason (RCIPS) took my personal passport and properties and kept these since December 2012 depriving me of my most fundamental freedom of

- movements, liberty and gainful employment, stranded in an imposed –BY THE MIGHTY POWER OF THE STATE, THE FORCE- vacuum of legality and confined to Grand Cayman. Restricted and with my REPUTATION TARNISHED as thief.
7. No gainful employment, without income, and earnings, helped and assisted in a Pauper Condition by fellow- citizen and friends, having my children and family in Santo Domingo suffering a lot emotionally and financially, assisted by family, friends and the grace of God.
  8. To add more insult to the injury, the Enforcement Section of the Immigration Department came to my residence on last August and they were astonished when I told them my ordeal with the said Police Officer, they promised help, and two months later, without further ado, my passport was given to me by Officer Parchment at the Enforcement Section (22<sup>nd</sup> October 2014) without any official release, apology, or any other reasonable explanation.
  9. We all should agree that the European Convention of Human Rights was extended –BY THE UK- to the Cayman Islands long time ago and in reading its Article 5 we realized that Detective Orlando Mason (RCIPS) has acted in Contravention of this important Convention and of the local laws.
  10. The fact in issue is not the initial lawful arrest ‘on suspicion’ which was already proven, but the illegal search of premises and properties taken by the Police Officer that were not the subject of the Investigation (stolen by the police from my residence?), the fact in issue is the long time that the Police –beyond the statute of limitation- kept me on Bail-Custody without charges and prosecution IN A LIMBO, labelled as thief when really I was not. It has had serious consequences for me, my family and friends. It is tested beyond all reasonable doubt, but the degree of such unfairness and the award which I have right by jurisdictional power of the Grand Court and European Court of Human Rights will be a costly exercise to both the Plaintiff and the Defendant. Hence, that I have no any other Legal established option but the Grand Court to seek loss and damages and to assess the quantum.
  11. I have not being formally released by letter –*there are precedents in other cases-* or other official document informing that I would not be charged with any criminal offence arising out of my arrest on December 2012.
  12. The Second Defendant is vicariously liable for the First Defendant.
  13. I am seeking compensation in a region of mid six figures Cayman Islands dollars and I am giving the Royal Cayman Islands fourteen days to discuss and reach a settlement outside the Grand Court with me. I strongly think that yes, we can in a civilized and amicable manner, a beneficial scenario for the parties, no exposure in public Court and media, no lawyer's fees, no cost, no interest etc. etc.
  14. In doing this proposal I must call your attention to precedent of previous cases since 2008, i.e. Justice Henderson vs. Royal Cayman Islands Police Services, B. Scott vs. RCIPS. In addition I have sent a letter to the Defendants (Without Prejudice and In Good Faith) trying to arrive to an amicable solution outside of the Court.
  15. I am seeking and I am entitled to interest pursuant to section 34(1) of the Judicature Law (2007 Revision) at such rate from such date and on such amount as the Court thinks fit.

#### **AND THE PLAINTIFF CLAIMS:**

1. An Officially documented release stating that no charges were brought against me and acknowledging that the search of my premise without a Search Warrant was unlawful.
2. Return of my property that still unlawfully held by the RCIPS.
3. Delivery to me and destruction in front of me of any and all “Identifying Material” , profile held in the Database of the RCIPS, what deemed me as a profiled citizen.

4. Damages, including but not limited to damages to my reputation, loss of gainful employment, Loss of earnings, income and any collateral damages caused by the irresponsible and negligent actions of the RCIPS
5. Exemplary and aggravated damages.
6. Interest pursuant to section 34(1) of the Judicature Law (2007 Revision) to be assessed.
7. Such further or other relief as this Honourable Court thinks fit.
8. Costs.

Dated 24 December 2014



Edwin Enrique Lopez (Plaintiff)

THIS WRIT was issued by Edwin E. Lopez whose address for service is 93 Owen Robert DR Apt #60 GT. P.O. Box 1271GT Grand Cayman KY1-1108.

**Acknowledgement of service of writ of summons (0.12, r.3)**

**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 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 instalments 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 Acknowledgment 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.

G0278

BETWEEN: EDWIN ENRIQUE LOPEZ

PLAINTIFF

AND: (1) ORLANDO MASON (DETECTIVE)  
(2) THE COMMISSIONER OF THE ROYAL CAYMAN ISLANDS  
POLICE, DAVID BAINES  
(3) THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS

DEFENDANTS

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

**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

Edwin Enrique Lopez  
93 Owen Robert Dr. Apt #60 GT  
P.O. Box 1271GT  
Grand Cayman KY1-1108

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