

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 159 OF 2017

BETWEEN:

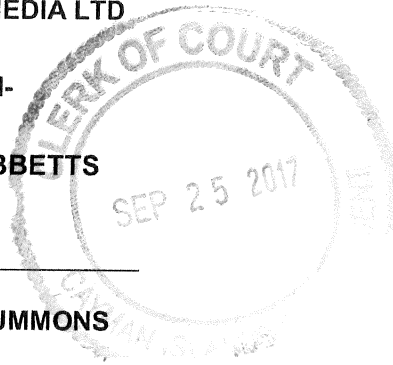
PINNACLE MEDIA LTD

Plaintiff

-and-

KERRY TIBBETTS

Defendant



WRIT OF SUMMONS

TO: KERRY TIBBETTS (THE 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 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 25th day of September 2017.

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.

This Writ of Summons was issued by HSM Chambers on behalf of the Plaintiff whose address for service is 68 Fort Street, George Town, PO Box 31726, Grand Cayman KY1-1207, Cayman Islands.

STATEMENT OF CLAIM

1. The Plaintiff is and was at all relevant times, a publishing company in the Cayman Islands and includes in its publications, the Cayman Compass (the "Compass").
2. The Defendant is an individual resident of the Cayman Islands. She is the main administrator and/or host of a Facebook page which has a given title of "*I am Caymanian, where are my rights*" (the "Website").
3. On 17th September 2017, a young man by the name of Azzan Sherieff was stabbed in the vicinity of his home in North Side. He later died from his wounds. On 18th September 2017, the Compass published an article reporting in incident in its newspaper and on-line edition titled "*Girlfriend arrested in North Side Man's death*" (the "Article").
4. In response to the Article, on or around 18th September 2017, the Defendant recorded a live video whilst driving her vehicle and thereafter published or caused to be published said video on the Website with URL:
www.facebook.com/lamcaymanianWherearemyRights/videos/1756673137696201, (the "Video").
The Video is approximately 3 minutes and 7 seconds in length and entitled "*Rebuttal to Compass false publication*".
5. The Video contained the following words defamatory of the Plaintiff which are set out in full as follows:-
Hi Everyone. Good Evening
The whole reason why I am here this evening, doing this um this evening this ah live broadcast on Facebook is to, in honour and respect of my dearly departed cousin, Azzan.

As you all have heard the news and you have seen what taken place or you have all heard what has taken place, you may have seen it too, but the reason is I am doing this live on Facebook is because I need to dispel the rubbish, and I call it again the RUBBISH, that the Caymanian Compass published on Azzan Sherieff yesterday.

They've quoted his father is saying Mr. Sherieff said his son ah the family member, how did they put it, they put, it all I know he was stabbed and the police have arrested his girlfriend said James Sherieff; Azzan's father, he never gave that quote to the compass.

Also anything else that was mentioned in this um news article, Mr. Sherieff um tabled about he said you know his son, and talking about the fact that he was stabbed in, um is wrong. The Compass is clearly publishing false news to sell papers and you took on the wrong family to publish it on. So Compass you had better write a retraction of this, contact the family and get them, and give them an apology for printing rubbish; nobody in the Sherieff family gave the Compass any quotes whatsoever - every one of them, not one of them was ever quoted or ever spoke to anyone at the compass.

The family only talked to Cayman 27 and the Compass is out here using this young man's death to write false accusations in their newspaper about what the family said - what this one or that one of the family said. The Sherieff family gave you absolutely no quotes whatsoever you are lying Compass to sell newspapers and you shouldn't do it on the death of a young man that is so respected in his community, someone that we all loved dearly and for you to do that you are the worst of the worst of news media in the Cayman Islands and I am calling for the CI everyone in the Country boycott the Cayman Compass today Boycott them. Don't buy a paper, don't advertise, don't read any of the crap they publish because most of the time, like in this instance I would say, it's all wrong.

No family of the Sherieffs gave the Compass any of these quotes that they published in yesterday's newspaper - it's all lies.

Thank you.

Had to set the record straight in the memory of my cousin Azzan

6. At all relevant times, the Website and Video was open to general access by any user of the World Wide Web but particularly, to residents in the Cayman Islands.
7. The words set out in paragraph 4 were transmitted and/or caused to be transmitted and published by the Defendant at terminals on the World Wide Web until at least 21st September 2017.
8. At the relevant times, the World Wide Web had millions of users, all of whom had free and open access to the words complained of. It can be inferred that a large but unquantifiable number of users viewed the Video. In particular, the Defendant transmitted and published or caused to be transmitted and published the Video to followers of the Website who may have shared its contents to individual 'friends'.

9. Further or alternatively, the Defendant well knew, that once the Video was published on the World Wide Web, it could and would be accessed by a substantial but unquantifiable number of subscribers.

10. In their natural and ordinary meaning, the said words, which are clear and unequivocal, mean and were understood to mean, that the Plaintiff, by way of the Compass:
 - 10.1 had falsified the reports contained in both the newspaper and its corresponding website editions on 18th September 2017, in which it was stated that its reporter, Brent Fuller, had obtained quotations from the victim's father and others;

 - 10.2 had published false 'news' to sell papers;

 - 10.3 had printed 'rubbish';

 - 10.4 had used '*this young man's death*' to write false accusations in its newspaper about what the family said;

 - 10.5 had lied to its readership;

11. In furtherance of the false allegations contained in the Video, the Defendant:
 - 11.1 exclaimed her unjustified opinion that the Compass was 'the worst of the worst media in the Cayman Islands';

 - 11.2 incited and/or encouraged, everyone in the Cayman Islands to boycott sales of and advertising in the Compass; and,

 - 11.3 attempted erroneously, to justify her incitement and/or encouragement to boycott the Compass on the ground that for the most part, its published articles generally, were wrong.

12. As a result of the words used and contained in the Video, the Claimant's reputation and that of its employees has been seriously damaged.

13. Unless restrained by this Honourable Court, the Defendant will further publish or cause to be published, the said or similar words defamatory of the Plaintiff.

AND THE PLAINTIFF claims against the Defendant:

- (i) Damages for libel
- (ii) Special damages

This Writ of Summons was issued by HSM Chambers on behalf of the Plaintiff whose address for service is 68 Fort Street, George Town, PO Box 31726, Grand Cayman KY1-1207, Cayman Islands.

- (iii) An injunction restraining the Defendant, whether by herself, agents or otherwise, from further publishing or causing to be published the said words or any words similarly defamatory of the Plaintiff.
- (iv) An order requiring the Defendant to retract the defamatory statements made in the Video;
- (v) Further or any other relief; and,
- (vi) Costs

Dated this 25th day of September 2017

HSM Chambers

HSM CHAMBERS

TO: The Clerk of the Court
AND TO: The Defendant

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: OF 2017

BETWEEN:

PINNACLE MEDIA LTD

Plaintiff

-and-

KERRY TIBBETTS

Defendant

ACKNOWLEDGMENT OF SERVICE

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 of the required information is omitted or incorrect, 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 having it set aside.*

1. State the full name and address 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 appropriate box).

Yes

No

Not applicable

Service of the Writ is acknowledged accordingly.

(Signed)

Address for service:

Please see 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 the Plaintiff's attorney (or by the Plaintiff if suing in person) of his name and address and reference, if any, in the box below.

PLAINTIFF'S ATTORNEYS
HSM Chambers 68 Fort Street PO Box 31726, Grand Cayman KY1-1207, Cayman Islands

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

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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.

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.

Please complete the Acknowledgement of Service of Writ of Summons overleaf