

BETWEEN:

CRYSTAL McFIELD-BALDWIN

PLAINTIFF

AND:

BRYAN WELCOME



DEFENDANT

WRIT OF SUMMONS

TO: BRYAN WELCOME of 3 Lorimar Heights, Newlands, Grand Cayman, Cayman Islands.

THIS WRIT OF SUMMONS has been issued against you by the above named Plaintiff, of PO Box 30778 Grand Cayman KY1-1204 Cayman Islands in respect of the claims set out on the next page.

Within 14 days after service of this Writ on you counting the day of service, you must either satisfy the claim or return to the Courts Office, P.O. Box 495, George Town, Grand Cayman, KY1-1106, Cayman Islands the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein any intention to contest the proceedings, the Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 28th day of September 2017.

NOTE this Writ may not be served later than 4 calendar months beginning with the date of original issuance unless renewed by order of the Court

IMPORTANT

Directions for the Acknowledgement of service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff is a Senior Customs Officer. She has been employed by the Cayman Islands Government in the Customs Department since 8th October 2001.
2. The Defendant is a Caymanian businessman who regularly imports groceries and other products into the Cayman Islands for onward sale, and accordingly has frequent contact with the Customs Department and the Plaintiff.

Libel

3. On 23rd September 2017, the Defendant published by way of email complaint to the Collector of Customs Charles Clifford, and Deputy Collectors Kevin Walton and Jeff Jackson ("**the Email**"), the following words which are defamatory of the Plaintiff:

I Bryan Welcome observed Crystal Mcfield completing an entry form for Joy Allhood (AKA Apple) on Saturday September 16th 2017. I drove my delivery van by airport to get my entry form stamped by agriculture. While at the airport I saw joy and she asked me for a ride to customs. Joy explicitly told me that Crystal Mcfield had been completing her entry form for her. I parked in customs parking lot and went inside with Joy Allhood. I observed with my own two eyes joy went to crystal and collected the completed entry form at the counter.

It is also my understanding that Crystal has regularly been doing entry forms for higglera such as Sandra Stewart ('fat gya'l) and Joy Allhood ('Apple').

Recent incident involving Joy Allhood with Cigarette- Crystal Mcfield was the officer implicated in the illegal importation of cigarettes by joy. On the day of the incident Crystal was the officer that was supposed to clear the box of cigarette. Crystal Mcfield contacted Patricia Johnson in Jamaica (ph. # 1876 414 7393) to arrange the packing and sending of the cigarette. Joy Allhood (Apple was to clear the box) Patricia Johnson was the person who packed the box of cigarette and liaised with Crystal Mcfield as to when to send the box of Cigarette. The flight was delayed and that's what caused the plan to fall through... Crystal has been assisting numerous higglera to evade custom duties for years."

4. In their natural and ordinary meaning, the words complained of in the Email meant, and were understood to mean, that the Plaintiff:
 - i. Has abused her power and acted corruptly, dishonestly, and criminally whilst purporting to act in execution of her duties by completing customs declarations on behalf of Joy Allhood to allow her to evade paying duties for imported goods properly due and owing by Joy Allhood;

- ii. Has previously conspired with Joy Allhood and Patricia Johnson to smuggle cigarettes into the Cayman Islands or to otherwise evade customs duties;
- iii. Has previously conspired with other importers to evade customs duties;
- iv. Is dishonest;
- v. Has committed, or is guilty of, serious misconduct in her office;
- vi. Has committed, or is guilty of, criminal offences; and
- vii. Has acted corruptly in processing customs declarations, and in allowing importers to evade customs duties on other goods.

Slander

1. At the Customs Headquarters on 22nd September 2017 at or about 4pm, within the hearing of Customs Officer Natalie Cherry and Acting Senior Customs Officer Danya Thomas, the Defendant uttered the following words to the Plaintiff:

"You are corrupt, you smuggle drugs, alcohol and cigarettes. Long time you doing it."

2. In their natural and obvious meaning, the words uttered by the Defendant to the Plaintiff within the hearing of Natalie Cherry and Danya Thomas could only possibly have meant, and were understood to mean, that the Plaintiff:
 - i. Has corruptly abused her position whilst purporting to act in the execution of her duty;
 - ii. Has previously smuggled goods, including cigarettes, alcohol, and drugs into the Cayman Islands, or has otherwise conspired with, or assisted, others to do so;
 - iii. Is dishonest;

- iv. Has committed, or is guilty of, serious misconduct in her office; and
- v. Has committed, or is guilty of, criminal offences.

Damages for libel and slander

- 3. The words, both published and uttered, which are complained of were calculated to disparage the Plaintiff in her profession and office and by reason of their publication and utterance, the Plaintiff's character, credit, and reputation has been seriously harmed and she has suffered considerable hurt, distress and embarrassment, in that, *inter alia*:
 - i. Her reputation has been lowered in the estimation of her professional colleagues and right-thinking people generally; and
 - ii. She is now subject to an internal investigation, and has been assigned alternative duties by her employer pending completing of the enquiries.
- 4. The Plaintiff will rely on the following facts and matters in support of a claim for damages, including exemplary damages:
 - i. The words complained of were published and uttered in response to the imposition of an administrative fine imposed upon the Defendant, and were motivated by malice. This fine was imposed by the Assistant Collector of Customs Kerrylyn Ebanks upon the recommendation of the Plaintiff, who had found that a customs declaration made by the Defendant had understated the value of goods he had imported. At all times, the Plaintiff acted in the proper execution of her duty, and the publishing of the Email and the uttering of the words complained of by the Defendant was motivated as an act of revenge against the Plaintiff, and/or to otherwise intimidate or deter the Plaintiff or her colleagues from imposing penalties against the Defendant in the future; and
 - ii. The Defendant has expressly refused to withdraw the words published and uttered, or to apologize.

5. Unless restrained by this Honourable Court, the Defendant will further publish or utter the words complained of or similar words defamatory of the Plaintiff.

AND THE PLAINTIFF CLAIMS:

- (1) damages for libel, including aggravated and exemplary damages;
- (2) damages for slander, including aggravated and exemplary damages;
- (3) interest pursuant to section 24 of the Judicature Law (2017 Revision) to be assessed;
- (4) an injunction restraining the Defendant whether by himself, her servants or agents or otherwise, from publishing or repeating the defamatory allegations set out in the Email, and uttered within the hearing of Natalie Cherry and Danya Thomas, and from making similar allegations;
- (5) Costs; and
- (6) Such further or other relief as the Honourable Court sees fit.

DATED at Grand Cayman this 28th day of September 2017

Nelson + Co.

Nelson & Co.

Attorneys for the Plaintiff

TO: The Clerk of the Grand Court

AND TO: The Defendant

BETWEEN:

CRYSTAL McFIELD-BALDWIN

PLAINTIFF

AND:

BRYAN WELCOME

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.

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 intend 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 the Defendant

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 Plaintiffs if suing in person) of his name, address, and reference, if any, in the box below.

Nelson & Company
Attorneys at Law
PO Box 2075
31 The Strand
46 Canal Point Drive
Grand Cayman KY1-1105
Attn: C Flanagan/N Dixey

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

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 495, 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

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.