

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: ¹⁷⁴ OF 2017

IN THE MATTER OF S.14 OF THE GRAND COURT LAW (2015 REVISION)

AND IN THE MATTER OF SS. 18 AND 19 OF THE MENTAL HEALTH LAW, 2013

AND IN THE MATTER OF AN APPLICATION BY MITZI CALLAN TO BE APPOINTED
GUARDIAN OF HER SON, MORGAN CALLAN

BETWEEN:

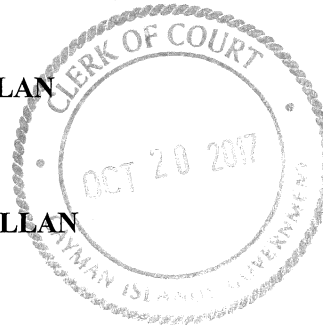
MITZI CALLAN

APPLICANT

AND:

MORGAN CALLAN

RESPONDENT



ORIGINATING SUMMONS

TO: MORGAN CALLAN
West Bay, Grand Cayman
Cayman Islands

LET THE RESPONDENT, within 14 days after service of this Summons on him, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495G, George Town, Grand Cayman.

BY THIS SUMMONS, which is issued on the application of Mitzi Callan of West Bay, Grand Cayman, the Applicant seeks the following relief:

1. An order pursuant to Order 80/30 and 80/21 of the Grand Court Rules 1995, dispensing with service of the Originating Summons herein upon the said Morgan Callan;
2. A determination or declaration for the purposes of s.14 of the Grand Court Law and s.18(b) of the Mental Health Law that the Respondent, Morgan Callan, of Grand Cayman, is a person incapable of managing his own affairs by reason of his neurological disorders, namely cerebral palsy and seizures;
3. An order pursuant to Order 80/28 of the Grand Court Rules, s.14 of the Grand Court Law and s.18 of the Mental Health Law, appointing her guardian of the person of her son, Morgan Callan, of West Bay, Grand Cayman, by reason of his mental incompetency as aforesaid, with all power and authority for

administering his personal affairs, property and estate as more particularly set out at s.19(a) of the Mental Health Law, as follows:

- a) Providing the required consent for and on behalf of the said Morgan Callan for any medical treatment or procedure which he may require;
- b) Sign any documentation, whether medically or legally necessary for Morgan Callan's treatment, or any other need that may arise;
- c) Sign and/or execute any documentation or instructions in relation to Morgan Callan's financial affairs;
- d) Hire nursing or home care assistance for Morgan Callan, as and when required;
- e) Pay any salaries, expenses, hospital and medical charges relating to services or treatment provided to Morgan Callan; and
- f) Carry out and execute any and all other necessary or required actions, instructions or decisions which the Applicant considers necessary for Morgan Callan's wellbeing and care, now or in the future.

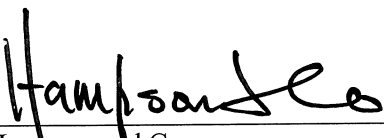
4. Such further and other relief as this Honourable Court may deem appropriate.

THE GROUNDS for this Originating Summons are:

The said Respondent suffers from serious mental impairment sufficient to satisfy the criteria set out in s.14 of the Grand Court Law, as more particularly detailed in the evaluation of Dr. Marc Lockhart, Consultant Psychiatrist dated August 24th 2017. The Applicant is the Respondent's mother and has acted as his de facto Guardian since the date he was born.

IF THE RESPONDENT does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

DATED this 19th day of October, 2017.


Hampson and Company
Attorneys-at-Law for the Applicant

NOTE: - This Summons 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 that date unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

This Originating Summons is issued by Hampson and Company, Attorneys-at-Law, attorney for the Applicant, whose address for service is that of her said attorneys, 5th Floor, Citrus Grove Building, Goring Avenue, P.O. Box 698, Grand Cayman KY1-1107.

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS

The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Respondent or by the Respondent 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 KY1-1106.

Notes for Guidance

1. Each Respondent (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Respondent personally is treated as having been served on the day it was delivered to him.
4. Where the Respondent 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 Originating Summons)".
5. Where the Respondent 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.
6. Where the Respondent 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.
7. Where the Respondent 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.
8. Where the Respondent is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Respondent acting in person may obtain help in completing the form at the Courts Office.

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BETWEEN:

MITZI CALLAN

APPLICANT

AND:

MORGAN CALLAN

RESPONDENT

ACKNOWLEDGMENT OF SERVICE OF ORIGINATING 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.

1. State the full name of the Respondent by whom or on whose behalf the service of the Originating Summons is being acknowledged.

.....

2. State whether the Respondent intends to contest or otherwise participate in the proceedings (tick appropriate box)

yes

no

Service of the Originating Summons is acknowledged accordingly

(Signed).....

[Attorney] for

[Respondent in person]

Address for service:

Notes on address for service

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

Respondent in person: where the Respondent 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 principal office.

Indorsement by Applicant's Attorney of name, address and reference, if any, in the box below.

Hampson and Company,
Attorneys-at-Law
5th Floor, Citrus Grove
P.O. Box 698
Grand Cayman KY1-1107

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