

**IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION**

CAUSE NO: GC 203 OF 2017

BETWEEN:

MATTHEW LESLIE

AND:

PLAINTIFF

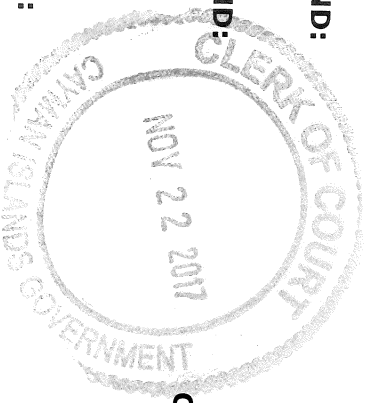
SANDRA HILL

AND:

1ST DEFENDANT

CAYMAN MARL ROAD LLC

2ND DEFENDANT



WRIT OF SUMMONS

TO:

Sandra Hill
Pasadora Place
Smith Road

Cayman Marl Road LLC
16192 Coastal Highway
Lewes
Delaware
19958
County of Sussex

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 day of November 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.

STATEMENT OF CLAIM

1. The Plaintiff is a Cayman resident businessman with address of P.O. Box 1800, Cayman Islands, KY1-1504. He is the holder of a trade and business licence to carry on the trade of Promotions and under that licence he is the organiser of an event known as the Cayman Winter Carnival due to run from early December 2017 until January 2018. The event is a funfair carnival and involves the sales of tickets in advance and on the day to members of the public.
2. The First Defendant is the administrator, editor, controller and operator of a website called Cayman Marl Road ("the website"), the address of which is <https://www.caymanmarlroad.com>. The Second Defendant is the purported legal owner of the same website.
3. It is averred that the Second Defendant is a legal entity created by the First Defendant as a nominee company on September 5, 2017 for the sole purpose of interposing a company between the First Defendant and the subjects of her libellous articles on the website in an attempt to avoid legal liability for those articles.
4. At all material times the website could be accessed by any user of the World Wide Web including persons in the Cayman Islands and the website claims it has 291,759 visitors to its pages and 1,774 visitors to the specific page complained of herein as of the 20th November 2017.
5. On or about 17th November 2017, on that website, the Defendants published or caused to be published and continue to publish or cause to be published the following words which are defamatory of the Plaintiff:

"Cayman Marl Road has sufficient reason to believe that the much anticipated Cayman Winter Carnival may be a scam"
6. In their natural and ordinary meaning, the words complained of meant and were understood to mean that the Plaintiff was engaged in a dishonest business venture and that the event was designed with the purpose of defrauding members of the public.

7. The words complained of were calculated to disparage the Plaintiff in his trade and business as carried on at the time of the publication.
8. On the 17th November 2017 the Plaintiff caused a Notice and Take Down Letter to be sent to the Defendants. This letter stated *inter alia* that;
 - (a) The article contained defamatory statements;
 - (b) The photos posted by the Plaintiff which provided the alleged "reason for belief that the event was a scam" were promotional marketing materials and it would be apparent to any reasonable person that these photos were not intended to represent the actual containers being used for transportation.
 - (c) The actual containers containing the carnival rides and equipment were currently being shipped to the Cayman Islands.
 - (d) Proof of shipment was available and a receipt for full payment for shipping costs from Miracle Brokers was also available and these were attached with the letter confirming departure on the containers from West Palm Beach on 17th November 2017.
 - (e) This information would have been provided to the Defendants in advance of publishing the story if the Plaintiff had been given the opportunity.
 - (f) The defamatory statements should be removed from the website within 24 hours and a suitable apology posted in a prominent position on the website to avoid further action.
 - (g) The author of the offending article should be named by the website operator to allow the Plaintiff to contact them directly.
9. The Defendants have failed and refused to remove the offending article from the website and unless restrained by this Honourable Court the Defendants will further publish or cause to be published the words complained of or similar words defamatory of the Plaintiff.

10. AND the Plaintiff claims:
1. damages for libel;
 2. an injunction restraining the Defendants whether by themselves, their servants or agents or otherwise, from publishing or causing to be published the same or similar words defamatory of the Plaintiff;
 3. Pre and post judgment Interest on the damages awarded in accordance with the terms of the agreement and the Judicature Law (2016 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time;
 4. Costs or alternatively fixed costs in the sum of CI\$500.00 plus filing fees and bailiff's fee for service.



KSG Attorneys-at-Law
Attorneys for the Plaintiff

**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 4955G, 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 installments 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.

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AND:

PLAINTIFF

SANDRA HILL

1st DEFENDANT

AND:

CAYMAN MARL ROAD LLC.

2ND 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 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 the Plaintiff

Notes on address for service

Please complete overleaf

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.

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

KSG
Attorneys at Law
4th Floor Harbour Centre
42 North Church Street
PO Box 2255 KY1-1107
George Town
Grand Cayman

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