

No. 53

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: G25 of 2018

AND IN THE MATTER of GCR Order 53, Rule 3 and GCR Order 28, Rule 1



BETWEEN:

- 1) FELINE FRIENDS LIMITED**
- 2) THE CAYMAN ISLANDS HUMANE SOCIETY**

APPLICANTS



AND:

- 1) THE DIRECTOR OF AGRICULTURE**
- 2) THE DIRECTOR OF ENVIRONMENT**


RESPONDENTS

Amended Application for Leave to Apply for Judicial Review (0.53, r.3)


IN THE GRAND COURT OF THE CAYMAN ISLANDS

To the Clerk of the Court, Law Courts, George Town, Grand Cayman	
Name, address and description of applicant(s)	<ul style="list-style-type: none"> 1) Feline Friends, a registered not-for-profit a registered not-for-profit whose articles of association include a duty to protect and relieve the suffering of feral and homeless cats in need of medical attention, including spaying and neutering and providing refuges for the reception and care of these unwanted animals in the Cayman Islands. 2) The Cayman Islands Humane Society, a registered not-for-profit whose Memorandum s of association include a duty to take all legal measure it sees fit for the prevention of cruelty to animals.
Judgment, order, decision or other proceeding in respect of which relief is sought	The Department of Agriculture and/or the Department of Environment The Director of Agriculture and/or the Director of Environment have made a decision to catch and destroy wild cats in Little Cayman from 19-22 February 2018.
Relief Sought	
The Applicants seek the following relief:	

Filed by JacksonLaw on behalf of the First Applicant whose address for service is Unit 1D, Landmark Square, 64 Earth Close, PO Box 10638, KY1-1006, Grand Cayman, Cayman Islands, Tel: 943 5225, Email: selina.tibbetts@jacksonlaw.ky

<ol style="list-style-type: none"> 1. a writ of prohibition against the Defendants, preventing the capture and destruction of cats in the Cayman Islands; 2. a writ of mandamus against the First Respondent that the Animal Welfare Committee shall be summoned for regular meetings; and 3. due to the urgency of the matter, in that the decision was made by the Department of Agriculture and the Department of Environment Director of Agriculture and/or the Director of Environment to capture and destroy cats in Little Cayman from 19-22 February 2018, it is requested that the Grand Court also grant an urgent ex-parte injunction or alternatively a declaration of the Court prohibiting the Respondents from undertaking any capture and destruction of cats in the Cayman Islands until the Applicants have had the matter duly considered before the Grand Court. 	
Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant	<ol style="list-style-type: none"> 1) Feline Friends address for service: P.O. Box 31840, KY1 1207, Grand Cayman, Cayman Islands 2) Cayman Islands Humane Society address for service: PO Box 31393, KY1-1206, 153 North Sound Road, Grand Cayman, Cayman Islands
Signed:  Patti Bodden, Director, Feline Friends	Dated: 19 February 2018
<hr style="width: 25%; margin-left: 0;"/> Lesley Walker, Director, Cayman Islands Humane Society	

GROUNDS ON WHICH RELIEF IS SOUGHT (If there has been any delay, include reasons here)
 Note - Grounds must be supported by an affidavit which verifies the facts relied on.

<ol style="list-style-type: none"> 1. a writ of prohibition against the Defendants, preventing the capture and destruction of cats in the Cayman Islands; 2. a writ of mandamus against the First Respondent that the Animal Welfare Committee shall be summoned for regular meetings; and 3. due to the urgency of the matter, in that the decision was made by the Department of Agriculture and the Department of Environment Director of Agriculture and/or the Director of Environment to capture and destroy cats in Little Cayman from 19-22 February 2018, it is requested that the Grand Court also grant an urgent ex-parte injunction or alternatively a declaration of the Court prohibiting the Respondents from undertaking any capture and destruction of cats in the Cayman Islands until the Applicants have had the matter duly considered before the Grand Court. 	
Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant	<ol style="list-style-type: none"> 1) Feline Friends address for service: P.O. Box 31840, KY1 1207, Grand Cayman, Cayman Islands 2) Cayman Islands Humane Society address for service: PO Box 31393, KY1-1206, 153 North Sound Road, Grand Cayman, Cayman Islands
Signed: <hr/> Patti Bodden, Director, Feline Friends  <hr/> Lesley Walker, Director, Cayman Islands Humane Society	Dated: 19 February 2018

GROUNDS ON WHICH RELIEF IS SOUGHT (If there has been any delay, include reasons here)
 Note - Grounds must be supported by an affidavit which verifies the facts relied on.

Filed by JacksonLaw on behalf of the First Applicant whose address for service is Unit 1D,
 Landmark Square, 64 Earth Close, PO Box 10638, KY1-1006, Grand Cayman, Cayman Islands,
 Tel: 943 5225, Email: selina.tibbetts@jacksonlaw.ky

The decision by the ~~Department of Agriculture and the Department of Environment~~ **Director of Agriculture and/or the Director of Environment** to capture and destroy wild cats in Little Cayman is unlawful as:

1. it was arrived at illegality as the decision was ultra vires and/or was made due to a fettered discretion and/or constitutes a contravention of the Animals Law (2015 Revision); and/or
2. the decision was reached unfairly as the Applicants had a legitimate expectation that they would be consulted but were not consulted and/or the decision was not considered by the Animal Welfare Advisory Committee and/or the Applicants were not provided with reasons for the decision; and/or
3. the decision is one that no reasonable authority could ever have come to in light of alternative options being offered by willing and able third parties including the Applicants.

This application was amended by JacksonLaw, on behalf of the Applicants, on pursuant to the Grand Court Rules, Order 20 and per leave granted by Williams, J. dated 22 February 2018.

Filed by JacksonLaw on behalf of the First Applicant whose address for service is Unit 1D, Landmark Square, 64 Earth Close, PO Box 10638, KY1-1006, Grand Cayman, Cayman Islands, Tel: 943 5225, Email: selina.tibbetts@jacksonlaw.ky