

IN THE SUMMARY COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN

CAUSE NO SC. 41 OF 2018



LORNA REID

PLAINTIFF

RORY REID

DEFENDANT

PLAINT



TO: Mr. Rory Reid
2625 Shamrock Road
Lower Valley
Grand Cayman
Cayman Islands

THIS PLAINT 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 service of this *Plaint* on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495, George Town, Grand Cayman, the accompanying *Acknowledgment of Service* form stating therein whether you intend to contest this action. If you intend to defend the action, in whole or in part, you must set out **full particulars of your defence** in the space provided in the *Acknowledgment of Service* form.

IF YOU FAIL to satisfy the claim or fail to return the *Acknowledgment of Service* form containing full particulars of your defence, the Plaintiff may apply for a **default judgment** without any further notice to you.

Issued this / day of March 2018

See overleaf for particulars of the Plaintiff's claim.

STATEMENT OF CLAIM

1. The Plaintiff, Lorna Reid, is one of the two named executors under the Will of Donna Patricia Reid (the “Deceased”) dated 5 March 2014 (the “Will”).
2. The Defendant, Rory Reid, is the son of the Deceased and the named beneficiary under the Will.
3. The Defendant, who was in receipt of Legal Aid, issued a Writ of Summons and Statement of Claim dated 7 August 2017 in Cause No. 133 of 2017 (the “Claim”), against the Plaintiff seeking the following prayer for relief:-
 - 3.1. The Defendants to provide the Strata Account Statement from 6 March 2014 up to 9 December 2016;
 - 3.2. The Defendants to provide a letter from the Strata Corporation or their attorneys with details of the conduct of the Strata Corporation with the Property since their repossession on 9 December 2016 including but not limited to Accounts Statement for the Property from 9 December 2016 to the date hereof;
 - 3.3. The Defendants to distribute the Property assigned to the Plaintiff under the Will or the equivalent value thereof to the Plaintiff; and
 - 3.4. The Defendants to compensate the Plaintiff for Damages.
4. On 31 August 2017, the Plaintiff filed her Acknowledgment of Service stating an intention to contest the proceedings. On 7 September 2017, and in open correspondence, the Plaintiff wrote to the Defendant to request withdrawal of the Claim on account of the unmeritorious claims stated therein.
5. On 19 October 2017, the Plaintiff filed her Defence to the Claim arguing that the Claim revealed no cause of action and denied that the Defendant is entitled to the relief sought against her or any relief.

6. On 20 October 2017, and in open correspondence, the Plaintiff wrote to the Defendant pointing out that the Claim failed to plead any cause of action and putting the Defendant on notice that in the event the Claim was not withdrawn within 7 days, that she would apply to strike out the Claim pursuant to Order 18, Rule 19(1) (a) of the Grand Court Rules (“GCRs”) and seek her costs in so doing on an indemnity basis.
7. Notwithstanding, on 1 November 2017, the Defendant confirmed that he wished to have the matter listed before the Courts for Trial and on 14 November 2017, the Plaintiff filed a summons to strike out the Claim. Both summonses were listed to be heard on 24 January 2018.
8. On 1 December 2017, the parties appeared before the Hon. Justice Carter (Actg) for directions. The Plaintiff explained to the Judge in the presence of the Defendant’s attorney that the Defendant’s claim revealed no cause of action and should be struck out as well as those claims being wholly without merit. The Defendant’s summons was adjourned and the Plaintiff’s strike out application was allowed to proceed, with Directions being made for preparation for a hearing of that application on 24 January 2018.
9. On 24 January 2018, the Hon. Justice McMillan ordered that the Claim be struck out as it failed to disclose any reasonable cause of action pursuant to Order 18, Rule 19(1) (a) of the GCRs. It was further ordered that costs be reserved for further hearing, as appropriate, with liberty to apply.
10. On 25 January 2018, the Defendant’s attorney was granted leave to come off the record and the Defendant was ordered to reimburse the Legal Aid Fund the sum of CI\$3,500 upon receipt or award of any funds from the Estate of the Deceased.
11. The Defendant’s prosecution was malicious for the following reasons:
 - 11.1. The Claim failed to reveal any cause of action against the Plaintiff; and
 - 11.2. The Defendant continued pursuing the Claim after the Plaintiff had informed the Defendant that the Claim failed to disclose any reasonable cause of action pursuant to Order 18, Rule 19(1) (a) of the GCRs on 7 September 2017, 20 October 2017 (after she had filed and served her Defence) and at the Hearing on 1 December 2017 and had

requested its withdrawal in open correspondence on 7 September 2017 and 20 October 2017.

12. As a result of the Defendant's malicious prosecution, the Plaintiff incurred loss and damage by way of legal costs amounting to US\$22,067.63, as at the date of this Writ of Summons.

AND THE PLAINTIFF CLAIMS:

1. The sums of US\$22,067.63 (CI\$18,095.46).
2. Interest for such period and at such rate as the Court shall think fit.
3. Costs on an indemnity basis to be taxed if not agreed.

DATED the 1 day of March 2018



SOLOMON HARRIS
ATTORNEYS-AT-LAW FOR THE PLAINTIFF

TO: The Clerk of the Court

AND TO: Mr. Rory Reid
2625 Shamrock Road
Lower Valley
Grand Cayman
Cayman Islands

THIS PLAINT was **ISSUED** by **SOLOMON HARRIS** of 3rd Floor, FirstCaribbean House, P.O. Box 1990, Grand Cayman, KY1-1104, Cayman Islands, Attorneys-at-law for and on behalf of the Plaintiff whose address for service is that of her said Attorneys-at-law.

IN THE SUMMARY COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN

CAUSE NO SC. OF 2018

BETWEEN LORNA REID PLAINTIFF
AND RORY REID DEFENDANT

ACKNOWLEDGEMENT OF SERVICE

1. State Defendant's name and address -

2. State whether the Defendant intends to contest the action.

Yes No

3. If you do not intend to contest the action, do you want time in which to pay the claim?

Yes No

4. If you do intend to contest the action, in whole or in part, you must set out full particulars of your defense overleaf.

Service of the Plaintiff is acknowledged accordingly.

Defendant's Signature

Dated this day of 2018

See Overleaf

PARTICULARS OF DEFENCE

(Here set out in numbered paragraph the grounds upon which the Defendant says that he is not liable to the Plaintiff, or is not liable for the full amount claimed)

Defendant's Signature

REMINDER - This form must be taken or sent to the Courts Office, PO Box 495, George Town, Grand Cayman within 14 days of receipt otherwise a default judgment may be entered against you.