

IN THE SUMMARY COURT OF THE CAYMAN ISLANDS



Cause No. SC ⁷⁴ of 2019

BETWEEN

HOPETON LINDO

Plaintiff/Appellant

AND

THE PORT AUTHORITY OF THE CAYMAN ISLANDS

Defendant/Respondent



PLAINT



To the Respondent:

45A Harbour Drive, P.O. Box 1358, Grand Cayman, Ky1-1108, Cayman Islands

THIS PLAINT has been issued against you by the above-named Plaintiff/Appellant in respect of the claim/appeal set out on the next page.

Within 14 days after service of this Complaint on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO Box 495, George Town, Grand Cayman KY1-1106, Cayman Islands, 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 Acknowledgement of Service form.

If you fail to satisfy the claim or fail to return the Acknowledgement of Service form containing full particulars of your defence, the Plaintiff/Appellant may apply for a **default Judgment** without any further notice to you.

Issued this 2nd day of April 2019

See overleaf for particulars of the Plaintiff's/Appellant's claim/appeal

PARTICULARS OF CLAIM/APPEAL

(Here set out in numbered paragraphs the grounds upon which the Plaintiff/Appellant appeals the decision of the Defendant/Respondent under the Port Authority (Licensing of Vehicles) Law (1999 Revision))

1. The Plaintiff/Appellant is a taxi driver duly approved to provide taxi service at the Port in accordance with an approval letter first issued by the Defendant/Respondent on 23 March 2015.
2. On 28 February 2019, the Defendant/Respondent sent a letter to the Plaintiff/Appellant purporting to suspend the Plaintiff's/Appellant's approval to operate a taxi at any Port Authority owned and controlled facility, following an incident that occurred at the Royal Watler Cruise Terminal on 23 February 2019.
3. On 12 March 2019 the Defendant/Respondent confirmed the suspension, albeit on revised terms, in an email to the Plaintiff/Appellant.
4. This email of 12 March 2019 indicated that a formal letter would be provided to the Plaintiff/Appellant in due course.
5. Notwithstanding the undertaking provided, the Defendant/Respondent has not provided the Plaintiff/Appellant with any such formal letter.
6. The decision to suspend the Plaintiff/Appellant was taken summarily by the Defendant/Respondent.
7. The Plaintiff/Appellant was not provided with a hearing in connection with his suspension and was not afforded the opportunity to test the evidence presented against him.
8. The suspension does not reference the legal basis upon which the decision was premised, nor does it particularise the actual license that it seeks to suspend.
9. Accordingly, the Plaintiff/Appellant claims that the purported suspension by the Defendant/Respondent is:
 - a. *Ultra vires* the Port Authority (Licensing of Vehicles) Law (1999 Revision); and/or
 - b. Unlawful and/or unreasonable and/or unfair in that the decision to suspend was not properly particularised and that, as a result, the Plaintiff/Appellant was denied the opportunity to know the case against him and to effectively appeal; and/or
 - c. Unreasonable and/or unfair in that a legitimate expectation of a formal letter encapsulating the decision was created and not fulfilled; and/or

de a

levant

and/or

ted;

ion.

ty

IN THE SUMMARY COURT OF THE CAYMAN ISLANDS

Cause No. SC of 2019

BETWEEN

HOPETON LINDO

Plaintiff/Appellant

AND

THE PORT AUTHORITY OF THE CAYMAN ISLANDS

Defendant/Respondent

ACKNOWLEDGEMENT OF SERVICE

1 State Defendant's/Respondent's name and address -

State whether the Defendant/Respondent intends to contest the action.

Yes

No

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

Yes

No

If you do not intend to contest the action in whole or in part, you must set out full particulars of your defence overleaf.

(A) Service of the Plaintiff is acknowledged accordingly.

Defendant's/Respondent's Signature

Dated this ____ day of _____, 20__

See Overleaf

PARTICULARS OF DEFENCE

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

Defendant's/Respondent's Signature

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