



IN THE SUMMARY COURT OF THE CAYMAN ISLANDS

CAUSE NO. SC OF 2024

BETWEEN:

LOOK OUT HOLDINGS LTD

PLAINTIFF

AND:

SAMUEL REID

MARVELIN REID

DEFENDANTS

PLAINT

TO THE DEFENDANTS:

SAMUEL REID AND MERVELIN REID of PO Bo 804, Grand Cayman KY1-1103, 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 fourteen (14) days after the 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 GT, George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest this action. If you intend to defend this 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 to return the Acknowledgement of Service form containing full particulars of your defence, the Plaintiff may apply for a **default judgment** without further notice to you.

Issued this 15th day March 2024.

IMPORTANT

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

This **PLAINT** was filed by Nelsons whose address for service is The Grand Pavilion, 802 West Bay Road, PO BOX 30069, Grand Cayman KY1-1201, Cayman Islands. (Ref: CF/2191-0002)

PARTICULARS OF CLAIM

Background

1. The Plaintiff is, and was at all material times, an ordinary resident company registered in the Cayman Islands and the the legal owner of a piece of land known as Registration Section Bodden Town, Block 43E, Parcel 235 ("The Property").
2. The Plaintiff and Defendants became involved in a dispute in connection with the Property which resulted in the Plaintiff issuing a claim in the Cayman Islands Grand Court, (GC 73 of 2021) seeking amongst other things vacant possession of the Property.
3. An order was made by Gunn J in GC 73 of 2021 (**the Grand Court Order**), after trial, requiring the Defendants to deliver vacant possession and giving leave to the Plaintiff to issue a Writ of Possession. The Grand Court Order also required the Plaintiff to pay the Defendants CI\$26,608.00 which the Plaintiff had volunteered to pay if it was successful in its action.
4. The Defendants appealed the Grand Court Order to the Cayman Islands Court of Appeal (CICA 2 of 2023) (**the Appeal**). They were unsuccessful in the Appeal and an order was made requiring the defendants to pay the Plaintiff's cost of the appeal, to be taxed if not agreed.
5. Prior to the commencement of the Appeal the parties agreed by Consent that the sum of CI\$ 26,608.00 would stand as the Plaintiff's security for costs.
6. On 5 February 2024, the Plaintiff's costs were taxed at US\$17,713.35 or CI\$14,524.95, leaving a balance due to the Defendants of CI\$ 12,083.05 which is held by the Plaintiff (**the Balance**).

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Loss and Damage

7. At the conclusion of the Appeal, the Plaintiff sought the issue of a Writ of Possession per the terms of the Grand Court Order. The Defendants refused to leave the Property which resulted in the Plaintiff having to engage legal counsel in or about the execution of the Writ of Possession thereby causing the Plaintiff loss and damage in the sum of CI\$5,448.05 of which full particulars will be provided at trial.
8. Even after the Writ of Possession was executed by the Court Bailiff on or about 30 November 2023, Mr. Reid, the First Defendant, continued to trespass on the Property, leaving parked cars, garbage and at times sleeping in his car. He continues to trespass, which has necessitated the involvement of the RCIPS and thereby caused the Plaintiff damage.
9. The Property has been left in a mess and a state of disrepair. The Plaintiff estimates that it will cost CI\$ 6,097.56 to put the Property back into the state it was in before it was occupied by the Defendants as it will be required to fill holes, rent a back hoe and remove garbage. The Plaintiff has thereby suffered loss and damage in that sum of which full particulars will be provided at trial.
10. The Plaintiff intends to lodge the Balance pending the determination of the Plaintiff.

AND THE PLAINTIFF CLAIMS:

1. CI\$ 11,545.61
2. Damages for trespass
3. Interest at such rate from such date and on such amount as this Honourable Court thinks just.
4. Costs.

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5. Such further and/or other relief as this honourable Court deems appropriate.

Nelsons

Nelsons
Attorneys for the Plaintiff

Plaintiff's address for service:

Nelsons, The Grand Pavilion, 802 West Bay Road, Grand Cayman, Cayman Islands.

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ACKNOWLEDGEMENT OF SERVICE

1. State Defendant’s name and Address:

2. State whether the Defendant intends to contest the action (tick box)

YES

NO

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

YES

NO

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

Service of the Plaintiff is acknowledged accordingly.

Defendant’s Signature

Dated this _____ day of _____ 2024

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PARTICULARS OF DEFENCE

Here set out in numbered paragraphs the grounds upon which the Defendant says that they are not liable to the Plaintiff or is not liable for the full amount claimed.

Defendant's Signature

REMINDER – This form must be delivered or sent to the Courts Office, P.O. Box 495GT, George Town, Grand Cayman, within fourteen (14) days of receipt, otherwise a default judgment may be entered against you.

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NOTES ON ADDRESS FOR SERVICE

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, 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.

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

Nelsons
The Grand Pavilion
802 West Bay Road
Grand Cayman
Ref: CF/2191-002

Indorsement by defendant’s Attorney (or by defendant if acting in person) of his name, address and reference, if any, in the box below.

This **PLAINT** was filed by Nelsons whose address for service is The Grand Pavilion, 802 West Bay Road, PO BOX 30069, Grand Cayman KY1-1201, Cayman Islands. (Ref: CF/2191-0002)

DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE

1. The accompanying form of **Acknowledgement 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, PO Box 495, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 Acknowledgement 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

This **PLAINT** was filed by Nelsons whose address for service is The Grand Pavilion, 802 West Bay Road, PO BOX 30069, Grand Cayman KY1-1201, Cayman Islands. (Ref: CF/2191-0002)

NOTES FOR GUIDANCE

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Court's 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 authorized to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on his 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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