

IN THE GRAND COURT OF THE CAYMAN ISLANDS

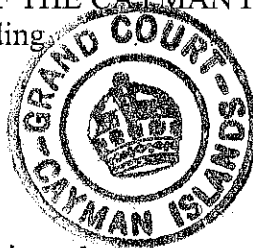
CAUSE No. ¹⁸⁷ of 2000

BETWEEN: **ASTLEY McLAUGHLIN, CLARENCE** **PLAINTIFFS**
 McLAUGHLIN, CHARLES McLAUGHLIN AND
 RICHARD McLAUGHLIN.

AND **THE ATTORNEY-GENERAL** **DEFENDANT**
 OF THE CAYMAN ISLANDS

WRIT OF SUMMONS

TO: THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS
Government Administration Building
George Town, Grand Cayman
B.W.I.



THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiffs 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 Plaintiffs may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 3rd March 2000.

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 Plaintiffs are the owners of the real property Registration Section East End, Block 71A, Parcel 10 (the "Property") with absolute title. The Property is approximately 6.0 acres.
2. The Defendant is the Attorney-General of the Cayman Islands and the person against whom civil proceedings against the Crown must be instituted pursuant to subsection 11(2) of The Crown Proceedings Law (1997 Revision).
3. During the period of 2nd to 11th July 1998, the Agriculture Department's land clearing team consisting of servants or agents of the Crown or other persons for whom the Crown is responsible in law (collectively, the "Crown Team"), acting for the Ministry of Agriculture, Communications, Environment and Natural Resources, trespassed on the Property, and unknown to the Plaintiffs and without their permission, cut down and destroyed, with a bulldozer, the trees and plants on the Property. In addition, they burned some of the trees.
4. The Property was forested, in its entirety, with mahogany, mango, valencia orange, naseberry, thatch, neem, poor man orchid and other trees; in addition, orchids and other plants grew on the Property. The aforementioned were destroyed and some of the trees burned.
5. The cutting down and burning of the trees destroyed the boundary markers of the Property.
6. In addition to trespassing on the Property, as aforesaid, the Crown Team members were negligent, or reckless, in that they, among other acts or omissions:
 1. did not ascertain the boundaries of the Property before entering it with a bulldozer;
 2. did not contact the Plaintiffs so that the Plaintiffs could show them the boundaries of the Property;
 3. did not consult readily available information showing the boundaries of the Property;
 4. performed no searches whatsoever to try to ensure that they were on the correct piece of land;
 5. acted in a high-handed manner contemptuous of the rights of the Plaintiffs and of the need to protect the Cayman Islands environment.

7. Particulars of the damages suffered and of the amounts which will be required to be spent as a result of the unlawful conduct of the members of the Crown Team, which are claimed against the Defendant, are as follows:

1. Survey of land and reinstatement of boundary markers	CIS\$15,000
2. Approximately 18,000 board foot of mahogany lumber @ CIS\$10.00 per board foot	CIS\$18,000
3. Lost revenue from 12 bearing mature mango trees (Carrie & East Indian mango). Each crop of approximately 500 mangoes per tree (6,000 mangoes total per year) x approximately 7 years required to re-establish mature bearing fruit trees to the same level x CIS\$3.00 per mango	CIS\$126,000
4. Loss of approx. 1,200 orchid plants. Retail at Vigoro Nursery at CIS\$29.00 each	CIS\$34,800
5. Loss of 4 grafted mature bearing valencia orange trees approximately CIS\$2,000 per tree	CIS\$8,000
6. Loss of one mature bearing naseberry tree	CIS\$2,000
7. Loss of 3 mature neem trees, a hibiscus hedge and 2 mature and flowering poor man orchid trees	CIS\$9,000
8. Loss of approximately 200 large thatch trees @ CIS\$200 each	CIS\$40,000
9. Destruction of property	<u>CIS\$25,000</u>
Total	CIS\$277,800

8. The Plaintiffs, by letter dated 23rd December 1999, requested payment of the aforesaid damages and expenses; there was no reply.

9. The Plaintiffs claim:

- (1) Damages of CIS\$277,800.00
- (2) Prejudgment interest at the rate of 7 7/8% per annum;
- (3) Their costs of this action;
- (4) Post-judgment interest at the rate of 7 7/8% per annum;
- (5) Such further and other damages as this Honourable Court may award.

If, within the time for returning the Acknowledgment of Service, the Defendant(s) pays the total amount claimed (including interest and costs) further proceedings will be stayed. The money must be paid to the Plaintiffs' Attorney.


ORREN MERREN & COMPANY
Attorneys-at-Law for the Plaintiffs

This Writ was issued by Messrs. Orren Merren & Company, the attorneys-at-law for the Plaintiff, whose address for service is Kirk House, Third Floor, Albert Panton Street, P.O. Box 481G, Grand Cayman, Cayman Islands, British West Indies.

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 495G, 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 endorsed 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 endorsed 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 instalments 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.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ¹⁸⁷ OF 2000

BETWEEN: ASTLEY McLAUGHLIN, CLARENCE PLAINTIFF
McLAUGHLIN, CHARLES McLAUGHLIN AND
RICHARD McLAUGHLIN.

AND THE ATTORNEY-GENERAL DEFENDANT
OF THE CAYMAN ISLANDS

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

Service of the Writ is acknowledged accordingly

(Signed).....
[Attorney] for
[Defendant in person]

Address for service:

Please complete overleaf

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 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.

Orren Merren & Company
Attorneys-at-Law
P.O. Box 481G
Kirk House 3rd Floor
Albert Panton Street
Grand Cayman, B.W.I.

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

[Empty box for defendant's attorney endorsement]