

IN THE GRAND COURT OF THE CAYMAN HOLDEN AT
GEORGE TOWN GRAND CAYMAN

CAUSE NO: 128/02

BETWEEN	LERROY ALBERT JOHNSON ADMINISTRATOR OF THE ESTATE OF LISBY JOHNSON DECEASED	PLAINTIFF
AND	JOHN BONWELL MC'LEAN EXECUTOR OF THE ESTATE OF MILTON SYMS DECEASED	1 ST , DEFENDANT
AND	THE REGISTRAR OF LANDS	2 ND , DEFENDANT
AND	THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS	3 RD , DEFENDANT
AND	KERNEY GOMEZ	4 TH , DEFENDANT

WRIT OF SUMMONS

TO: John Bonwell McLean, P.O.Box 866, G.T Grand Cayman. C.I
TO: Registrar of Lands & Survey, Tower Building, G.T Grand Cayman, C.I
TO: Attorney General of the Cayman Islands, Gov't Admin Bldg, G.T
TO: Kerney Gomez, Gov't Admin Bldg, G.T

THIS WRIT OF SUMMONS has been issued against you by the above named Plaintiff in respect of the claims set out on the next pages.

Within fourteen (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.495 GT, George Town, Grand Cayman, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with action and judgement may be entered against you forthwith without further notice..

Issued this day of 2002.

NOTE- This Writ may not be served later than (4) calendar months beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgement of Service are given with the accompanying form

STATEMENT OF CLAIM

1. The Plaintiff at all material times since April 21st, 1976 has been the Administrator of the Estate of Lisby Johnson deceased.
2. The First Defendant has at all material times since April 21st, 1976 been the Minister of Government responsible for Lands and since September 26th, 1994, the Executor of the Estate of Milton Syms, deceased.
3. The Second Defendant has at all material times been the Chief Government Officer responsible for Lands in the Cayman Islands.
4. The Third Defendant has at all material times been the Chief Government Officer responsible for giving legal advice to the First and Second Defendants and to the Government of the Cayman Islands generally.
5. The Fourth Defendant has at all material times been Permanent Secretary in the Ministry responsible for Lands and has thereby been privy to the Plaintiff,s claim to Block 74A Parcel 26/89/23 and one-third of Block 74A Parcel 48, based on the conveyance of 1907.
6. The Plaintiff,s claim against the First Defendant is for fraud/innocent misrepresentation, in that, the First Defendant wrongfully and unlawfully claimed and obtained title to Registration Section Colliers Block 74A Parcel 26/89, and one-third of Block 74A Parcel 48, by submitting documents to the Registrar of Lands and to Executive Council of the Cayman Islands which falsely purported to show that Milton Syms, deceased was the rightful owner of that parcel, Block 74A Parcel 26/89. Thereby wrongfully and unlawfully causing the Plaintiff damage.
7. The Plaintiff,s claim against the Second Defendant is for fraud/negligence in that the Second Defendant failed to keep and/or make available public documents which are by law under his care and control and failed to properly take

these documents into account in determining that he was satisfied as to the adequacy of the evidence supplied by the First Defendant in relations to his claim to Block 74A Parcel 26/89 and one-third of Block 74A Parcel 48, on behalf of the Estate of Milton Syms, deceased. Thereby wrongfully and unlawfully causing the Plaintiff damage.

8. The Plaintiff's claim against the Third Defendant is for fraud/negligence in that the Third Defendant failed to give adequate consideration to all the relevant documents and other evidence available to him when he ruled that the Plaintiff had disposed of all the land which formed part of the Estate of Lisby Johnson, deceased, thereby wrongfully and unlawfully depriving the Plaintiff of his right to Block 74A, Parcel 26/89 and one-third of Block 74A Parcel 48 and thereby causing the Plaintiff damage.
9. The Plaintiff's claim against the Fourth Defendant is for fraud/aiding and abetting fraud/negligence in that the Fourth Defendant knew or ought to have known that the scheme in which he participated with the First Defendant was a fraud and that he knew or ought to have known that there was a conflict of interest as Permanent Secretary in the ministry of which the First Defendant was the Minister, and in relation to the claim made by the Plaintiff and the First Defendant. Thereby wrongfully and unlawfully causing the Plaintiff damage.

PARTICULARS OF FRAUD/NEGLIGENCE COMPLAINED OF IN RELATION TO THE FIRST DEFENDANT

1. Obtaining affidavits which the First Defendant knew or ought to have known were false. Thereby wrongfully and unlawfully causing the Plaintiff damage.
2. Obtaining and submitting affidavits to the Registrar of Lands which the First Defendant knew or ought to have known did not substantiate his claim on behalf of the estate of Milton Syms, deceased, to Block 74A Parcel 26/89 and one-third of Block 74A Parcel 48. Thereby wrongfully and unlawfully causing the Plaintiff damage.
3. Deliberately circumventing the decision of the Registrar of Lands that his claim to Block 74A Parcel 26/89 on behalf

of Milton Syms, deceased, was invalid. Thereby wrongfully and unlawfully causing the Plaintiff damage.

4. Failure to take into account the significance of undemarcated boundaries. Thereby wrongfully and unlawfully causing the Plaintiff damage.
5. Making a false claim to Block 74A Parcel 26/89 and one-third of Block 74A Parcel 48, as being a part of Milton Syms 7/9th interest after registering Block 74A Parcel 48, as consisting of the 7/9th portion due to the Estate of Milton Syms, deceased. Thereby wrongfully and unlawfully causing the Plaintiff damage.

PARTICULARS OF FRAUD/NEGLIGENCE COMPLAINED OF IN RELATION TO THE SECOND DEFENDANT

1. Failure to keep public documents in their respective parcel files. Thereby wrongfully and unlawfully causing the Plaintiff damage.
2. Failure to make public documents in his possession available to the Plaintiff and /or his agent on his request. Thereby wrongfully and unlawfully causing the Plaintiff damage.
3. Failure to take into account public documents in his possession in determining that the Plaintiff was not entitled to Block 74 Parcel 26/89/23 and one-third of Block 74A Parcel 48. Thereby wrongfully and unlawfully causing the Plaintiff damage.
4. Failure to adequately take into account public documents in his care and control in determining that the First Defendant was entitled to Block 74A Parcel 26/89/23 and one-third of Block 74A Parcel 48. Thereby wrongfully and unlawfully causing the Plaintiff damage.
5. Wrongfully and unlawfully rejecting the claim by the Plaintiff on behalf of the Estate of Lisby Johnson, deceased for Block 74A Parcel 26/89/23 and one-third of Block 74A Parcel 48. Thereby causing the Plaintiff damages

**PARTICULARS OF FRAUD/NEGLIGENCE COMPLAINED OF
IN RELATION TO THE THIRD DEFENDANT**

1. Failure to take into account all the facts and available evidence in advising the Second Defendant, and His Excellency The Governor of the Cayman Islands, that the Plaintiff was not entitled to the remaining portion of Block 74A Parcel 26/89 and was only entitled to two-ninths of the two-thirds portion sold by the conveyance of 1907. Thereby wrongfully and unlawfully causing the Plaintiff damage

2. Failure to take into account the relevant facts in advising His Excellency The Governor of the Cayman Islands that the correct procedure has been followed in relation to the disposal of land namely Block 74A Parcel 26/89, by Executive Council to the First Defendant. Thereby wrongfully and unlawfully causing the Plaintiff damage.

**PARTICULARS OF FRAUD /AIDING AND ABETTING
FRAUD/NEGLIGENCE COMPLAINED OF IN RELATION TO
THE FOURTH DEFENDANT**

Signing affidavits the Fourth Defendant knew or ought to have known were false. Participating in the signing of affidavits on behalf of the First Defendant in circumstances in which the Fourth Defendant knew or ought to have known that a conflict of interest existed in relation to his position as Permanent Secretary and claims made by the Plaintiff and the First Defendant. Thereby wrongfully and unlawfully causing the Plaintiff damage

AND THE PLAINTIFF claims:

1. Damages
2. Interest pursuant to Statute
3. Costs



PLAINTIFF

THIS WRIT was issued by Leroy Albert Johnson, Plaintiff, whose Address for service is 64 Almond Ave, Prospect, P.O.Box 2250 G,T Grand Cayman, Cayman Islands, British West Indies

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO: OF

BETWEEN: LEROY ALBERT JOHNSON
ADMINISTRATOR OF THE ESTATE
OF LISBY JOHNSON DECEASED.

PLAINTIFF

A N D: JOHN BONWELL MC'LEAN
EXECUTOR OF THE ESTATE OF
MILTON SYMS DECEASED

1st DEFENDANT

A N D: THE REGISTRAR OF LANDS

2nd DEFENDANT

A N D: THE ATTORNEY GENERAL OF THE
CAYMAN ISLANDS

3rd DEFENDANT

A N D: KERNEY GOMEZ

4th DEFENDANT

ACKNOWLEDGEMENT 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
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 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.

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

LEROY ALBERT JOHNSON
P.O. Box 2250 G.T.
GEORGE TOWN
GRAND CAYMAN.

Indorsement 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 indorsement]