

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 294 OF 2004

BETWEEN HARCOURT WASON

PLAINTIFF

AND PC MARK MILLER

1st DEFENDANT

AND THE POLICE COMMISSIONER

2nd DEFENDANT

AND THE HON. ATTORNEY-GENERAL

2nd DEFENDANT

WRIT OF SUMMONS

**TO: PC MARK MILLER &
CENTRAL POLICE STATION
GEORGE TOWN
GRAND CAYMAN**

**THE HON. ATTORNEY-GENERAL
THE LEGAL DEPARTMENT
GEORGE TOWN
GRAND CAYMAN**

THIS WRIT OF SUMMONS 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 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 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 the action and judgement may be entered against you forthwith without further notice.

Issued this 18th day of *June* 2004

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 Acknowledgement of Service are given with the accompanying form.

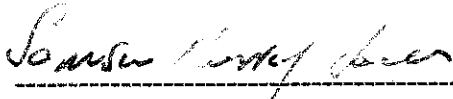
ENDORSEMENT

The Plaintiff claims against the Defendants to recover damages for assault and false imprisonment in that the First Defendant, a member of the Royal Cayman Islands Police, whilst purporting to be acting in the exercise of his duties as such, unlawfully assaulted the Plaintiff and falsely imprisoned him at the Truman Bodden Sports Complex, George Town, Grand Cayman on the 25th day of March 2004. Alternatively, the Plaintiff claims to recover damages against the First Defendant solely in respect of the said assault and false imprisonment.

AND THE PLAINTIFF CLAIMS:

1. Damages, including aggravated and exemplary damages for assault and false imprisonment;
2. Interest;
3. Costs.

Dated this 16th day of June 2004



Samson Murray Jackson
Plaintiff's Attorneys-at-Law

THIS WRIT was issued by Samson Murray Jackson, Attorneys-at-Law, for and on behalf of the Plaintiff whose address for service is that of his said Attorneys-at-Law, Sussex House, 128 Elgin Avenue, George Town, Grand Cayman.

Acknowledgment of service of writ of summons (O.12, r.3)

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 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 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.

BETWEEN HARCOURT WASON PLAINTIFF
AND PC MARK MILLER 1st DEFENDANT
AND THE POLICE COMMISSIONER 2nd DEFENDANT
AND THE HON. ATTORNEY-GENERAL 3rd 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 any information required is omitted Or given wrongly, ***THIS FORM MAY HAVE TO BE RETURNED.***

Delay may result in judgement being entered against a Defendant whereby he May have to pay the costs of applying to set it aside.

1. State the name of the Defendant by whom or on whose behalf the service of this Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick the 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 judgement 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 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 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:

Samson Murray Jackson
Attorneys-at-Law
Sussex House (West Wing)
128 Elgin Avenue
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:

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 294 OF 2004

BETWEEN	HARCOURT WASON	PLAINTIFF
AND	PC MARK MILLER	1st DEFENDANT
AND	THE POLICE COMMISSIONER	2nd DEFENDANT
AND	THE HON. ATTORNEY-GENERAL	3rd DEFENDANT

STATEMENT OF CLAIM

- 1 The Plaintiff was at all material times the Meet Director of the Inter-Primary Schools Track & Field competition held at the Truman Bodden Sports Complex on the 25th day of March 2004.
- 2 The First Defendant was at all material times a uniformed Police Constable in the employ of the Royal Cayman Islands Police and at all material times acted and/or purported to act as such or alternately in his own behalf.
- 3 The Second Defendant is liable for the acts and omissions of the First Defendant in the performance or purported performance of his duties as a member of the Royal Cayman Islands Police.
- 4 The Third Defendant is a party to these proceedings by virtue of the Crown Proceedings Law.
- 5 On the said 25th day of March 2004 at the said Truman Bodden Sports Complex, the Plaintiff, in his capacity as Meet Director of the aforesaid Inter-Primary Schools Track & Field competition, requested the assistance of the First Defendant, who was dressed in his uniform, in removing a female spectator from the competition area and into the stands.
- 6 The First Defendant refused to carry out the lawful request of the Plaintiff and instead wrongly assaulted the Plaintiff by grabbing hold of the Plaintiff, causing him to fear an immediate attack upon his person, and forcibly removing him from the stadium track.
- 7 The First Defendant then falsely and unlawfully imprisoned the Plaintiff inside a room at the said Truman Bodden Sports Complex for approximately one hour before releasing him following the intervention of senior officers of the Royal Cayman Islands Police.

8 By reason of the matters aforesaid the Plaintiff has suffered loss and damage.

Particulars

- (a) Embarrassment
- (b) Loss of liberty for approximately one hour
- (c) Legal fees

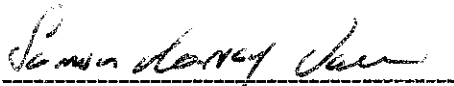
9 The Plaintiff is entitled to and claims aggravated and exemplary damages.

Particulars

- (a) The Plaintiff relies on the facts and matters set out above.
- (b) The First Defendant ignored the Plaintiff's reasonable offer to remove the female spectator from the competition area and into the stands.
- (c) The assault on the Plaintiff and his subsequent false imprisonment occurred at the aforementioned Inter-Primary Schools Track and Field competition and in the presence of the Plaintiff's students, colleagues, parents of students at the various schools in which the Plaintiff works and spectators at the event.
- (d) The Plaintiff was at no time charged with any offence which would have entitled the First Defendant to act in the manner complained of herein.

10 The Plaintiff claims damages including aggravated and exemplary damages for assault and false imprisonment, interest thereon and costs.

Dated the 16th day of June 2004



Samson Murray Jackson
Plaintiff's Attorneys-at-Law