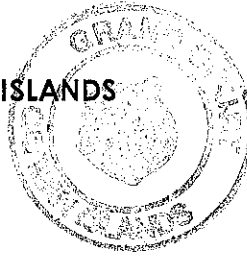


IN THE GRAND COURT OF THE CAYMAN ISLANDS



CAUSE NO. 466 OF 2004

BETWEEN

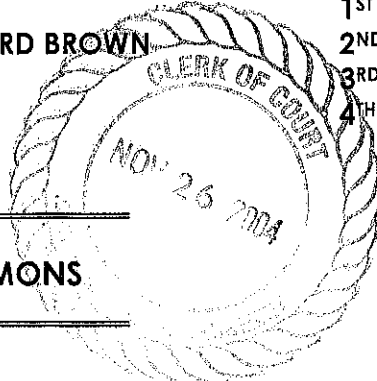
DWIGHT McLEAN

PLAINTIFF ✓

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WPC SHARON CAMPBELL
DETECTIVE SERGEANT MELFORD BROWN
PC LAURISTON BURTON
THE ATTORNEY GENERAL

1ST DEFENDANT
2ND DEFENDANT
3RD DEFENDANT
4TH DEFENDANT



WRIT OF SUMMONS

To: WPC Sharon Campbell
P.O. Box 909 GT
Grand Cayman

To: Detective Sergeant Melford Brown
P.O. Box 909 GT
Grand Cayman

To: PC Lauriston Burton
P.O. Box 909 GT
Grand Cayman

To: The Attorney General
Government Administration Building
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 Fourteen days [14] 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 26th day of November, 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 Acknowledgment of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff is a Cayman national born on 18 August 1974 and resides at 19 Templeton Pine Drive, Windsor Lake, George Town, Grand Cayman. At all material times the Plaintiff was employed to Cayman Camera in George Town, Grand Cayman as a Photo Printer.
2. The 1st Defendant is and was at all material times a constable in the Royal Cayman Islands Police Service ("RCIP") and at certain material times acted or purported to act in the course of her employment as a servant of the Crown.
3. The 2nd and 3rd Defendants are and were at all material times members of the RCIP and at all material times acted or purported to act in the course of their employment as servants of the Crown.
4. The 4th Defendant is a party to these proceedings by virtue of Section 11(2) of the Crown Proceedings Law (1997 Revision).
5. Prior to and on 2 March 2004 the Plaintiff and the 1st Defendant had an ongoing dispute concerning land owned by the Plaintiff in Spotts, Grand Cayman. On 2 March 2004, whilst the Plaintiff was working, the 1st Defendant attended the Plaintiff's place of employment at Cayman Camera in George Town. The 1st Defendant appeared to be enraged. In the presence of several customers inside the Cayman Camera store the 1st Defendant accused the Plaintiff of making a report to her superiors in the RCIP concerning the property dispute. The 1st Defendant proceeded to issue threats to the Plaintiff to "put [the Plaintiff] away" and to sue the Plaintiff.
6. A heated discussion developed between the Plaintiff and the 1st Defendant inside the Cayman Camera store. The 1st Defendant used threatening, provocative and inflammatory language to the Plaintiff and at one point whilst the Plaintiff and the 1st Defendant were in the store the 1st Defendant pushed the Plaintiff. The Plaintiff and the 1st Defendant then went outside the store to the parking area where the heated discussion continued between the Plaintiff and the 1st Defendant.
7. The Plaintiff and the 1st Defendant were standing close to a motor car in which the 1st Defendant had apparently travelled. Two men, whom the Plaintiff did not know at the

time, but who the Plaintiff now know to be the 2nd Defendant and the 3rd Defendant, appeared and started to move towards the Plaintiff. The 1st Defendant at that point opened the door of the car in order to block the Plaintiff's path. With the 2nd and 3rd Defendants approaching, the Plaintiff, in trying to get past the 1st Defendant, struck out and his hand made contact with the 1st Defendant. A physical altercation developed between the Plaintiff and the 1st Defendant. During the course of that physical altercation the Plaintiff and the 1st Defendant lost their balance and fell to the ground.

8. Whilst the Plaintiff was on the ground, the 2nd and 3rd Defendant grabbed the Plaintiff and held the Plaintiff to the ground. Neither the 2nd Defendant nor the 3rd Defendant showed their badges or in any other way identified themselves as police officers.
9. Whilst the Plaintiff was totally restrained on the ground by the 3rd Defendant, and without any resistance from the Plaintiff, the 1st Defendant took a large police baton from the car in which the 2nd and 3rd Defendants had been sitting, and proceeded to use it to strike the Plaintiff several times. This took place in the presence of several onlookers, including tourists.
10. The 2nd Defendant and the 3rd Defendant then placed the Plaintiff in handcuffs and shoved him in the back seat of the car. The 1st Defendant sat beside the Plaintiff with the 2nd and 3rd Defendants sitting in front, one of them driving.
11. As the car drove off, the 1st Defendant resumed her beating of the Plaintiff by striking the Plaintiff several times with the baton. The Plaintiff was at this time restrained in handcuffs. The 1st Defendant struck the Plaintiff repeatedly to the head eventually opening up a wound which started to bleed. The 1st Defendant continued to beat the Plaintiff with the baton. The 2nd and 3rd Defendants did nothing to prevent the 1st Defendant from continuing to strike the Plaintiff.
12. The Plaintiff was taken to the Central Police Station where he was placed in a processing room. The 1st and 3rd Defendants in the presence of the 2nd Defendant and another officer, WPC Wendy Parchment, proceeded to strike the Plaintiff several times with their fists, all the time while the Plaintiff was restrained by handcuffs. This went on for a while.

13. The Plaintiff was subsequently questioned and granted bail to return to the Central Police Station on 30 March 2004. The Bail Form stated that the Plaintiff was arrested on suspicion of assault on a police officer, disorderly conduct and damage to property.
14. The Plaintiff will say that the beating of the Plaintiff by the 1st Defendant and the 3rd Defendant was done unlawfully and without reasonable and/or probable cause.
15. The 2nd Defendant by assisting to restrain the Plaintiff, and by his presence and failure to take any steps to halt the beating of the Plaintiff, lent his support and authority, as the most senior ranking officer, to the unlawful actions of the 1st Defendant and the 3rd Defendant aided and abetted the 1st Defendant in the commission of the said unlawful acts.
16. As a consequence of the actions of the Defendants, the Plaintiff suffered personal injury in respect of which he has had to seek treatment at the George Town Hospital.

PARTICULARS OF INJURY

- (a) The Plaintiff suffered a two-inch vertical laceration from the mid-forehead extending into the hairline and which required six sutures to be closed.
 - (b) The Plaintiff suffered approximately 22 bruises, some of them linear, on his back, shoulders, wrists, left elbow, behind his ears and below his right eye.
17. The Defendants falsely and without reasonable and probable cause imprisoned the Plaintiff and deprived him of his liberty for several hours at the Central Police Station.
 18. The Plaintiff was also injured in his character and reputation since his treatment by the Defendants, as police officers, created the impression in the minds of onlookers that the Plaintiff was a common criminal.
 19. The actions of the Defendants, by beating the Plaintiff while the Plaintiff was restrained in handcuffs on the street, in the car, and at the Central Police Station constitute oppressive and arbitrary actions by servants of the Crown of the type which would entitle the Plaintiff to exemplary damages.

20. Further, or alternatively, the beating of the Plaintiff by the 1st Defendant and the 3rd Defendant on the streets in the presence of several persons including tourists and at the Central Police Station in the presence of WPC Parchment, was motivated by malevolence and spite towards the Plaintiff and was calculated to injure the Plaintiff's proper feelings of dignity and pride. By virtue of such treatment, the Plaintiff would be entitled to aggravated damages.

WHEREFORE THE PLAINTIFF CLAIMS:

- (a) Damages including exemplary damages and/or aggravated damages;
- (b) Interest in accordance with Section 34 of the Judicature Law (1995 Revision);
- (c) Costs.
- (d) Such further or other relief as this Court deems just.

DATED this 26th day of November, 2004



QUIN & HAMPSON
Attorneys-at-Law for the Plaintiff

To: The Clerk of the Court
And To: WPC Sharon Campbell
And To: Detective Sergeant Melford Brown
And To: PC Lauriston Burton
And To: The Attorney General

THIS WRIT was issued by Messrs. Quin & Hampson, Attorneys-at-Law for the Plaintiff whose address for service and correspondence is P.O. Box 1348, Third Floor, Harbour Centre, George Town, Grand Cayman, B.W.I.

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 installments or otherwise.

See over for notes for guidance

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 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.

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.

Messrs. Quin & Hampson
Attorneys-at-Law
Third Floor, Harbour Centre
P.O. Box 1348
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.