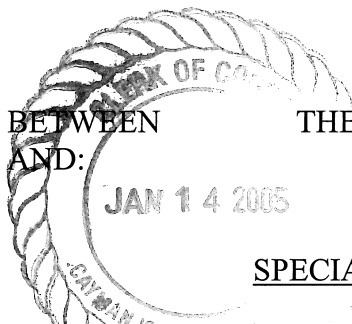




Writ of Summons (O.6, r.1)

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

CAUSE NO. ¹⁵ OF 2005



BETWEEN THE HONOURABLE MR. MCKEEVA BUSH PLAINTIFF
AND: CAYMAN NET LTD 1st DEFENDANT
MR. DESMOND SEALES 2nd DEFENDANT

SPECIALLY ENDORSED WRIT OF SUMMONS

TO: DEFENDANTS: CAYMAN NET LTD and Mr. DESMOND SEALES, c/o Messrs. Quin & Hampson, Harbour Center, Nth. Church Street, PO Box 1348 GT., Grand Cayman, Cayman Islands..

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 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 Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 14 day of January 2005

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 Acknowledgment of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. The Plaintiff is a well-known public figure. He is a Member of the legislative Assembly and is the Leader of Government Business.
2. The First Defendant is the printer and publisher of a newspaper, the Cayman Net News, with a circulation throughout the jurisdiction. The Defendant is also the publisher of a website and Internet forum known as caymannetnews.com, used by Cayman Islanders from all over the world as a source of information and a forum to air their views.
3. The Second Defendant is the editor of the First Defendant's newspaper.
4. On the First Defendant's website on or about 2 November 2004, the Defendants published or caused to be published within the jurisdiction a posting to the First Defendant's 'Online Forum' which contained the following words defamatory of the Plaintiff:

“US Owners of Local Company get Debris Removal Contract”

“This sure sounds bogus. It is rather strange, that MC Restoration can't be located in any of the directories, and since it has been quickly registered in the Cayman Islands, while claiming to be out of Tampa, Florida...sure sounds suspicious. MC is the abbreviation for MAC, and we all know that McKeeva's name begins with MC, so I would have to say like the song “Mack the Knife”... “Can it be that our boy's done something rash?”

“Ten million dollars is a whole lot of moola (sic), and something is starting to stink here. The contractors in Cayman have a right to demand explanations, and they need to do their own investigating too. “Lord, when will all this corruption come to an end?”

-Eyes Wide Open Caymanian”

5. The Defendants further published or caused the publication of the same posting in issue 753 of the 'Cayman Net News' newspaper for 17 November 2004.
6. The said words in their natural and ordinary meaning meant and were understood to mean there were strong grounds to suspect that:
 - (i) the Plaintiff was secretly involved with a suspicious, and probably bogus, company which had been awarded a lucrative government contract;
 - (ii) the contract had been corruptly awarded to the company; and accordingly
 - (iii) the Plaintiff was involved in gravely serious corruption for his own financial gain.
7. In consequence of the publication of the words complained of, the Plaintiff's personal and professional reputation has been severely damaged, and he has suffered great hurt and embarrassment.
8. The Plaintiff will rely on the following facts and matters in relation to damages, including aggravated damages:
 - (1) The Defendants made no attempt to contact the Plaintiff in order to ascertain his reaction to these gravely serious allegations, or test the accuracy of the posting allegations with him, before their publication on the website or in the newspaper.
 - (2) Accordingly, the Second Defendant permitted the publication of the words complained of in its Online Forum recklessly, not caring whether the words were true or false. The Defendants' re-publication of the words complained of in the newspaper was similarly reckless, and made notwithstanding the fact that publication of the said words was bound to cause even greater damage to the Plaintiff's reputation;
 - (3) On 1 November 2004, the Central Tenders Committee of the Cayman Islands Government approved the awarding of a contract to MC Restoration. This decision was public, as was basic information about the company concerned. From this information, it was readily apparent that the Plaintiff was neither shareholder, officer nor director of MC Restoration and had no involvement with that company.

(4) In fact, the Defendants were conducting its own investigation into the company in question, MC Restoration. In its issue 761, for 15 December 2004, the Defendants published the results of this investigation in a front page article entitled "MC RESTORATION LINK". In it, the Defendants stated that:

- (i) the ownership of MC Restoration might not be mysterious after all;
- (ii) the shareholders of the company were Peter Campbell, an Executive Member of the ruling United Democratic Party, and Tom and David Moffitt;
- (iii) the only listed officers and directors of the company, which was incorporated in Florida in 1974, were David E. Moffitt and Christina L. Lackay, both of Bushnell, Florida.

(5) The said article made no reference to the Plaintiff and presented no evidence that the Plaintiff was involved either in MC Restoration or in the awarding to it of government contracts. Despite this, it also failed to exonerate him.

(6) In contrast, the Defendants included as the final paragraph of the article the following words:

"The investigation also revealed that a leading figure in the Cayman Islands government and ruling party is known to have met with the principals of MC Restoration on several occasions."

In the premises, these words were calculated to raise the suspicion in the minds of readers that the 'leading figure' referred to was the Plaintiff, and consequently, that there was likely to be some substance in the sting of the words complained of.

(7) The Second Defendant either knew, or ought to have known that the claim, contained in the words complained of, that 'MC' in the company name reflected the MC in the Plaintiff's name was entirely false. This information was readily available, as the Defendants' own subsequent article of 15 December 2004 made plain.

- (8) Notwithstanding its own findings set out in the article, the Defendants have adamantly refused to withdraw the allegations against the Plaintiff.
9. Further the Plaintiff claims exemplary damages against the Defendants.

PARTICULARS

- (1) The sub-paragraphs under paragraph 7 above are repeated;
- (2) In the premises, the Defendants published the posting containing the words complained of to damage the Plaintiff and with a view to garnering publicity and increased readership and use of the First Defendant's newspaper and website by the publication of sensationalist material, having calculated that the commercial advantage to be gained would outweigh any compensation payable to the Plaintiff.
10. Unless restrained, the Defendants will continue to publish or cause to be published the said or similar words defamatory of the Plaintiff.

AND the Plaintiff claims:

- (1) Damages, including aggravated and exemplary damages, for libel; and
- (2) An injunction restraining the Defendant whether by itself its officers servants or agents or otherwise from further publishing or causing to be published the said or any similar words defamatory of the Plaintiff.



WOODWARD TERRY & COMPANY

THIS WRIT was issued by Clyde H. Allen whose address for service is Woodward Terry & Company, Attorneys-At-Law PO Box 822 GT, West Wind Building, Harbour Drive and Fort Street, Grand Cayman, Cayman Islands, BWI.

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AND: CAYMAN NET LTD 1st DEFENDANT
MR. DESMOND SEALES 2nd DEFENDANT

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 a 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

Address for service: (please see overleaf)

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.

C. H. Allen
Woodward Terry & Company
Attorneys-At-Law
PO Box 822 GT
West Wind Building
Harbour Drive and Fort Street
Grand Cayman
Cayman Islands

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