

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 78 OF 2004 5

BETWEEN

CHRISTOPHER KAUFMAN

A N D  
A N D

DARRYL SOOKOONSINGH  
THE ATTORNEY GENERAL



PLAINTIFF

1<sup>ST</sup> DEFENDANT  
2<sup>ND</sup> DEFENDANT

WRIT OF SUMMONS



To: The Attorney General  
Government Administration Building  
George Town  
Grand Cayman

To: Darryll Sookoonsingh  
c/o Stuarts  
Attorneys at Law  
PO Box 2510 GT  
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 495, 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 23<sup>rd</sup> day of Feb, 2005

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 1<sup>st</sup> 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 his employment as a servant of the Crown.
2. The 2<sup>nd</sup> Defendant is a party to these proceedings by virtue of Section 11(2) of the Crown Proceedings Law (1997 Revision).
3. On 20<sup>th</sup> November 2002, at about 11:00 pm, the Plaintiff was walking from a night club called "The Next Level" towards the West Bay Road, when he was assaulted by a group of three police officers, which including the 1<sup>st</sup> Defendant. The Plaintiff was pushed into some bushes, held by the throat and thigh with a knee placed in his back and handcuffed twice.
4. The Plaintiff was then placed in the rear seat of a police car, with the door open.
5. The said arrest and detention were unlawful, not being founded upon reasonable suspicion of the commission by the Plaintiff of an arrestable offence, or other lawful authority.
6. Further or in the alternative, the said arrest was unlawful in that the Plaintiff was not informed of the reason for his arrest.
7. The Plaintiff then witnessed a friend of his also being arrested and he lawfully exited the open door of the police car where he was confronted by the 1<sup>st</sup> Defendant. Another officer then seized him by the waist and pulled him back to the car. Meanwhile the 1<sup>st</sup> Defendant reached into the police car and pulled out an implement, believed to be flashlight, and struck the Plaintiff forcibly in the face with the implement.
8. The said blow caused severe trauma to the right side of the Plaintiff's face and immediate loss of consciousness.
9. The said action of the 1<sup>st</sup> Defendant was unlawful and amounted to a severe assault and battery on the Plaintiff, thereby causing him serious injury.

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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 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.*

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.*

[Empty box for defendant's attorney indorsement]