

IN THE GRAND COURT OF THE CAYMAN ISLANDS

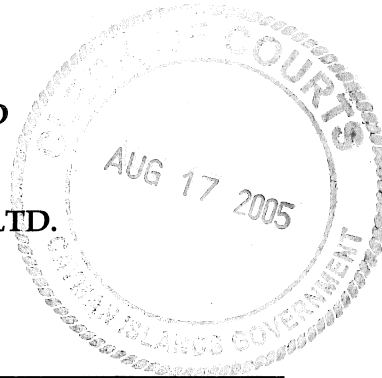
370 ✓  
CAUSE NO OF 2005

BETWEEN: DESMOND SEALES  
CAYMAN NET LIMITED

PLAINTIFFS

AND: CAYMAN FREE PRESS LTD.  
BRIAN UZZELL  
TAMMIE CHISHOLM

DEFENDANTS



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**WRIT OF SUMMONS**

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TO: Cayman Free Press Ltd.  
AND TO: Brian Uzzell  
AND TO: Tammie Chisholm  
The Compass Centre  
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 (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 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 Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

ISSUED this 17<sup>th</sup> day of August, 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 re-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 first named Plaintiff is and was at all material times, editor in chief and publisher of the *Cayman Net News*, a daily newspaper with wide circulation in the Cayman Islands and also to Caymanians and others resident outside of the Cayman Islands by way of the Internet. The first named Plaintiff has been a newspaper journalist and publisher within the Cayman Islands, and prior to that in the Bahamas and Miami, Florida for a cumulative period of in excess of 40 years, and has been honoured with the award of Member of the British Empire (Civil Division), by her Majesty the Queen for his services to the Cayman Islands in the field of publishing. The second named Plaintiff is and was at all material times the proprietor of the *Cayman Net News*.
  
2. The Defendants are and were at all material times the proprietor, publisher and editor respectively of the *Caymanian Compass*, also a daily newspaper with wide circulation in the Cayman Islands and also to Caymanians and others resident outside of the Cayman Islands by way of the Internet.
  
3. In the editions of the *Caymanian Compass* published on the 9<sup>th</sup> and 10<sup>th</sup> days of May, 2005, the Defendants published of the Plaintiffs a full page advertisement, purportedly on behalf of the United Democratic Party, containing the following defamatory words:  

“This is the Net News Man who has carried Misinformation on the Honourable McKeeva Bush. Can you Trust Desmond Seales? Obviously the PPM and their Alliances do!” (“the Statement”)

Juxtaposed to the Statement was a photograph of the first named Plaintiff.
  
4. The Statement referred to and was understood to refer to the Plaintiffs.

### Particulars

- 4.1 The first named Plaintiff was referred to by name and a photograph of the first named Plaintiff accompanied the Statement.
  
- 4.2 The first named Plaintiff is widely known to be the editor and publisher of the *Cayman Net News* which is frequently referred to as “the Net News” and a

reference to "the Net News" is widely recognised in the Cayman Islands as being a reference to the newspaper as well as its proprietor, the second named Plaintiff.

- 4.3 In the circumstances a large but unquantifiable number of readers of the Statement would reasonably infer the Statement to be referring to the Plaintiffs.
5. In its natural and ordinary meaning the Statement meant and was understood to mean that the Plaintiffs had deliberately or carelessly published false information about the Honourable McKeeva Bush, the Leader of the United Democratic Party, and then Leader of Government Business in the Legislative Assembly of the Cayman Islands, and that consequently the Plaintiffs and their newspaper are untrustworthy, unreliable and incapable of acceptance or belief.
6. The Plaintiff will ask the Court to infer that the facts and matters set out in paragraphs 4, and 5 above were widely known to a substantial number of unidentifiable readers of the Defendants' newspaper.
7. The first named Plaintiff, as a professional journalist, was seriously damaged in his personal and professional reputation and has suffered considerable hurt, embarrassment and distress. The second named Plaintiff, as the proprietor of a newspaper, the reputation and viability of which is dependent on the credibility of the information it publishes, has suffered severe damage to its business reputation.
8. The Plaintiff will rely on the following facts and matters in support of a claim for aggravated damages:

**Particulars**

- 8.1 The Defendants are the proprietor, publisher and editor of a newspaper which is in direct competition with the Plaintiffs' newspaper and published the Statement with the intention of giving itself an advantage over the Plaintiffs' newspaper in that competition or, alternatively, reckless as to the damage the publication of the Statement would cause to the Plaintiffs' newspaper whilst knowing that any

damage to the Plaintiffs' newspaper might enure to the ultimate financial benefit of the Defendants' newspaper;

8.2 The Statement was made in a paid advertisement published by the Defendant with the knowledge and hope that any damages it might be ordered to pay to the Plaintiffs by way of compensatory damages are likely to be exceeded by the financial benefit to the Defendants by publishing the advertisements on a full page on two separate days;

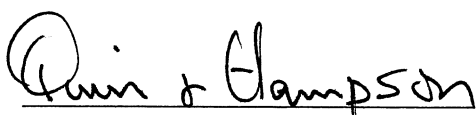
8.3 The Defendants carried out no independent investigation of the allegation that the Plaintiffs publish misinformation on Mr McKeeva Bush and made no attempt to contact the Plaintiffs or to seek their comments regarding the allegation.

8.4 By letter dated 24 May 2005, the Plaintiffs wrote to the Defendants, inter alia, requesting that the Statement be withdrawn and that an apology be issued for the Statement. The Defendants by letter from their attorneys-at-law dated 2 June 2005 have refused to withdraw the Statement or to apologise to the Plaintiffs for the damages caused by its publication.

**AND THE PLAINTIFFS CLAIM:**

- (1) Damages including aggravated damages;
- (2) Interest in accordance with section 34 of the Judicature Law (1995 Revision);
- (3) Costs.

Dated the 17<sup>th</sup> day of August 2005

  
QUIN & HAMPSON  
Attorneys-at-Law for the Plaintiff

TO: The Clerk of the Court

AND TO: Cayman Free Press Ltd.

AND TO: Brian Uzzell

AND TO: Tammie Chisholm  
The Compass Centre  
George Town  
Grand Cayman

**THIS WRIT** was issued by Messrs. Quin & Hampson, Attorneys-at-Law for the Plaintiffs 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.*