



Neutral Citation Number: [2025] CICA (Civ) 15

**IN THE CAYMAN ISLANDS COURT OF APPEAL
ON APPEAL FROM THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION**

**CICA CIVIL APPEAL No. 5 of 2025
(formerly G 145 of 2024)**

BETWEEN

SAMUEL JOHNSON

Appellant

and

CAYMAN ISLANDS HEALTH SERVICES AUTHORITY

Respondent

Before: The Rt Hon Sir John Goldring, President
The Hon Sir Michael Birt, Justice of Appeal
The Hon Clare Montgomery KC, Justice of Appeal

Appearances: Mr Samuel Johnson in person via video link
The Respondent did not appear, having not been served

Heard: 5 September 2025

Draft circulated: 10 September 2025

Judgment delivered: 18 September 2025

CICA (Civil) Appeal 5 of 2025 – Samuel Johnson v Cayman Islands Health Services Authority

JUDGMENT**Clare Montgomery KC, JA**

1. Mr Samuel Johnson, the Appellant, wishes to pursue proceedings against the Cayman Islands Health Services Authority (CIHSA). He has prepared what he describes as an ex parte originating summons and a statement of claim which he wishes to serve on the CIHSA which gives his address for service in Greater Georgetown, Guyana. The Registry drew his attention to the Grand Court Rules (GCR) O6 r5 which require him to provide the address of a place within the jurisdiction of the Cayman Islands “at or to which documents for the plaintiff may be delivered or sent”. Mr Johnson refused to provide an address in compliance with O6 r5.
2. The summons was listed before the Honourable Justice Jalil Asif KC sitting in the Grand Court (the Judge). Mr Johnson argued that he did not need to provide an address for service within the jurisdiction. The Judge disagreed and on 22 October 2024 he ordered the proceedings to be stayed, although he allowed time for Mr Johnson to make further written submissions. Mr Johnson made further submissions and after an oral hearing on 6 May 2025, the Judge refused the application to lift the stay. Mr Johnson appeals to this court with the leave of the Judge, time for lodging his Notice of Appeal having been extended.
3. Mr Johnson does not appear to argue that the court has any discretion based on the language of GCR O6 r5. He is right not to do so in our judgment. The rule is stated in terms to be something a plaintiff “must” do. “Must” is a word of absolute obligation. It cannot be regarded as directory only. The rule applies to proceedings commenced by originating summons by virtue of GCR O7 r3. Indeed, it applies to almost all inter partes process issued by the Grand Court, including applications for judicial review once leave has been granted.
4. Instead, Mr Johnson contends that a discretion to vary the otherwise mandatory requirement can be found in GCR O1A (the overriding objective to secure justice), GCR O2 r1 (the discretion to deal with irregularities), or the proportionality principle that underpins the jurisdiction to stay proceedings or the principle of access to justice.
5. Mr Johnson’s grounds for invoking these principles can be grouped under two heads. First, he considers that the provision by him of email addresses and physical addresses in Guyana and in

the United States of America should have been sufficient to provide adequate contact details for his action. He has rejected any suggestion of using a third party (such as a process server) to provide a service address in the Cayman Islands. He does not want to pay a fee for such a service. He considers that the Court should adapt to what he describes as modern day legal practice.

6. Second, he suggests that the approach of the Judge is out of touch with the procedures adopted in the Grand Court in relation to an appeal he has brought against the Director of Legal Aid under s 38 of the Legal Aid Act 2015, in the Supreme Court of Bermuda in a judicial review brought against the Bermuda Hospitals Board and in the Turks & Caicos Islands Supreme Court in another judicial review application. In each of these procedures Mr Johnson says he was permitted to proceed without providing an in-country address for service.
7. Mr Johnson is an experienced self-representing foreign litigant. He has claimed to have conducted his own litigation in several jurisdictions; Guyana, Trinidad & Tobago, Bermuda and the Turks & Caicos Islands as well as the Cayman Islands. He contends that the requirement for a physical service address in the GCR is unreasonable, particularly at the stage of service of the summons. Although Mr Johnson has labelled the proceedings as *ex parte*, the process Mr Johnson has embarked upon, in the form of a writ action, is not one that can be pursued *ex parte*. It is a private law claim that is issued only for the purpose of service on another.
8. He has not explained in any detail why he is not willing/able to make arrangements to provide a physical address for the delivery of documents within the Cayman Islands. His argument appears to be that the requirement is unnecessary, certainly at this stage. He claims that he has no local contacts and cannot reasonably be expected to retain a local agent solely for formal service. He also has concerns about the integrity of any agent whom he might appoint. He has sought to nominate the physical address of the court but the Registry has (rightly) declined to accept the nomination.
9. It is clear that the purpose of the rule in GCR O6 r5 is to secure a fixed physical address in the Cayman Islands at which any plaintiff can be contacted and served with documents throughout any litigation without any dispute as to the service and without any complication in effecting service through post or electronic communication. This is highly desirable as a point of certainty in an increasingly mobile and ephemeral world. Fixing the physical address of the plaintiff is an advantage to the defendant and to the court and provides certainty of access to the plaintiff in the Cayman Islands throughout any court process.

10. Electronic communications can be highly efficient but may not always be relied on to prove service because receipt cannot always be reliably established by this means. Nonetheless there is provision for electronic communications to be used where the parties consent to its use, see Practice Direction 11 of 2020 at paragraph 12. Service on a physical address outside the Cayman Islands is not necessarily reliably proved and may, in any event, raise issues of comity.
11. A number of judgments have been cited in connection with the approach to service taken by the courts including *Abela v Baadarani* [2013] UKSC 44. However, *Abela* is not of direct assistance since it is concerned with the mode of service and not (as here) with the threshold requirements before process for service in private law claims will even be issued. We regard the requirement for a physical address in the Cayman Islands as an important procedural and practical protection for those persons who have to defend a private law claim brought against them in the Cayman Islands as well as one that is essential for the court to retain fixed and certain mechanisms for communication with the plaintiff.
12. We have also not been assisted by the references to the public law claims issued in Bermuda and the Turks & Caicos. It is not clear whether either jurisdiction has a rule equivalent to GCR O6 r5. It is also important to note that the provisions governing the issue and service of claims for leave to apply for judicial review in the Cayman Islands are subject to standalone rules in GCR O53 and the standard Form No. 53 of the Grand Court Rules does not require the applicant for leave to apply for judicial review (at least at the stage of the leave application) to identify a physical address in the Cayman Islands. It is also not clear to us in what form the claim against the Legal Aid Board has been brought but it appears to be a specialised application under the Legal Aid Law 2015; we do not consider that it establishes any precedent in Mr Johnson's favour.
13. In the circumstances we are not persuaded that GCR O6 r5 is disproportionate or that it is unfair or that it will effectively deny Mr Johnson access to justice.
14. Even if we were to accept that there may be a discretion to vary the requirements of GCR O6 r5, the burden of proof would be on Mr Johnson to establish on the balance of probabilities that any insistence on a physical address in the Cayman Islands would stifle his claim. In order to discharge that burden, full and frank disclosure would have to be given to demonstrate that Mr Johnson cannot provide a Caymanian address and is unable to access assistance from others whether by payment or otherwise to do so.

15. No sufficient evidence has been produced on this issue, no doubt because Mr Johnson's position is based on principle rather than evidence. It follows that we do not consider that at present either the overriding objective or the powers of the court under GCR O2 r1 would require the exercise of any case management discretion in favour of Mr Johnson.
16. One final matter needs to be stated. Mr Johnson cited two cases in his skeleton argument dated 28 July 2025; *Brown v Board of Governors* (1999) JLR 217 (Jamaica CA) and *Cukurova Finance International Ltd v Alfa Telecom Turkey Ltd* [2012] CICA (Cayman Islands Court of Appeal). He was asked to provide copies of these cases because the court were unable to trace them but was unable to do so. He initially said that the "references were inserted with assistance as [he does] not have access to a proper legal database". Shortly before the hearing Mr Johnson explained that he had used AI to generate his skeleton argument and confirmed that one of the cases might not exist. He asked us to disregard the references.
17. Thus it is now clear that the references were generated by the unacknowledged use of generative AI. The cases are fabricated. In *R (oao Ayinde) v London Borough of Haringey* [2025] EWHC 1383 (Admin), the English Divisional Court explained the problems that may arise from the use of generative artificial 'intelligence' in preparing documents to be used in court at [6]-[9]:

"In the context of legal research, the risks of using artificial intelligence are now well known. Freely available generative artificial intelligence tools, trained on a large language model such as ChatGPT are not capable of conducting reliable legal research. Such tools can produce apparently coherent and plausible responses to prompts, but those coherent and plausible responses may turn out to be entirely incorrect. The responses may make confident assertions that are simply untrue. They may cite sources that do not exist. They may purport to quote passages from a genuine source that do not appear in that source. Those who use artificial intelligence to conduct legal research notwithstanding these risks have a professional duty therefore to check the accuracy of such research by reference to authoritative sources, before using it in the course of their professional work (to advise clients or before a court, for example). Authoritative sources include the Government's database of legislation, the National Archives database of court judgments, the official Law Reports published by the Incorporated Council of Law Reporting for England and Wales and the databases of reputable legal publishers. This duty rests on lawyers who use artificial intelligence to conduct

research themselves or rely on the work of others who have done so. This is no different from the responsibility of a lawyer who relies on the work of a trainee solicitor or a pupil barrister for example, or on information obtained from an internet search. We would go further however. There are serious implications for the administration of justice and public confidence in the justice system if artificial intelligence is misused.”

18. In our judgment these duties apply with little modification to self-representing litigants. Litigants-in-person, even those less experienced than Mr Johnson, have a duty not to mislead the courts (see *Barton v Wright Hassell LLP* [2018] UKSC 12 at [18]). This duty includes a duty not to mislead by citing fabricated authorities. This is particularly the case where, as here, the self-representing person is appearing without notice and where a duty of candour to the court arises in any event. We consider Mr Johnson breached his duty to the court. The breach is more egregious because he did not immediately acknowledge his use of generative AI in preparing documents for the court. However, given his frank if belated acknowledgement that he had used AI and that some of the caselaw cited might not in reality exist, we do not consider it is necessary for the court to take any action against him.
19. This judgment must though act as a warning of the risks of using artificial intelligence for legal research, and the potential consequences if a person puts fabricated citations before the court. These consequences may include initiating proceedings for contempt or referral for criminal investigation. There will almost always be costs consequences and the case advanced by the self-representing litigant may be liable to be stayed or struck out.
20. For the future, it must be made clear that all statements, submissions, skeletons or other documents from parties to court proceedings which use generative AI and that are to be submitted to the courts must identify the use of AI and the party concerned must take personal responsibility for checking that none of the references are fabricated.

The President

I agree.

Sir Michael Birt, JA

I also agree.