



Neutral Citation Number: [2025] CIGC (Civ) 30

Cause No: G 2024-0227

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

BETWEEN:

SAMUEL JOHNSON

Plaintiff

-and-

LEGAL AID DIRECTOR

Defendant

Appearances: **No attendance by or on behalf of the Plaintiff**
 No attendance by or on behalf of the Defendant

Before: **The Honourable Justice Jalil Asif KC**

Heard: **25 September 2025**

Ex tempore judgment delivered: **25 September 2025**

Finalised judgment approved: **9 October 2025**

Civil procedure—failure to provide address for service—whether to stay proceedings until address for service provided

JUDGMENT

1. It is now 2:05 pm, this matter is listed for hearing at 2:00 pm. Mr Johnson is not present and has indicated in the past that he is not intending to join the hearing this afternoon. I will therefore give a short judgment.
2. This is Cause No. G 227 of 2024, which is an originating summons proceeding commenced by Mr Johnson against the Director of Legal Aid, and concerns Mr Johnson's complaint that the Legal Aid Director has refused his application for Legal Aid to pursue a different set of proceedings in Cause No. G 145 of 2024.
3. Recently, that other matter, G 145 of 2024, has been before the Court of Appeal, who gave a judgment on 18 September 2025 (*Johnson v Cayman Islands Health Services Authority* [2025] CICA (Civ) 15), which is relevant to the current proceedings for reasons which I will explain in a moment.
4. The current state of play in these proceedings is that Mr Johnson has served the originating summons on the Director of Legal Aid. Before the originating summons was served, in the course of it being issued by the Registry, there was some correspondence between the Registry and Mr Johnson regarding Mr Johnson's failure to provide an address for service within the Cayman Islands. That was also his position in Cause No. G 145 of 2024 and was the issue that went before the Court of Appeal.
5. In this case, the Registry, having initially indicated that Mr Johnson must provide an address for service within the jurisdiction, appears to have relented on the ground that the parties were willing to proceed by way of electronic service. On that basis, the Registry issued the originating summons on 23 January 2025, which Mr Johnson then served on the Director of Legal Aid, and the Director of Legal Aid acknowledged service indicating that she intends to dispute the claim.
6. Since then, nothing really happened on this matter until Mr Johnson filed an application on 6 March 2025 for an extension of time to file his evidence in support of the originating summons. The application was supported by an affidavit sworn by Mr Johnson on 6 March 2025. In his affidavit, Mr

Johnson acknowledges that his obligation, given that the Defendant had acknowledged service on 23 January 2023, was to serve the evidence on which he relied within 14 days of that date.

7. He accepts in his affidavit that as at 6 March 2025, he had not filed any evidence in support of the originating summons. He says in paragraphs 5-10 of his affidavit:

“5. The plaintiff had all intention of complying with every Rule regarding Time in this Matter to ensure its uninterrupted progression, this court is aware how strongly the Plaintiff feels about meeting applicable deadlines and the use of Time to dismiss Matters, due to a change in the Plaintiff’s work schedule from Daylight Hours (2.30pm to 11.00pm) to the Graveyard shift (7pm — 7am) from 01st February, 2025 the Plaintiff has regrettably been unable to comply with O28.r1A, as his body has not yet adjusted to the New Hours/Schedule.

6. Further the Plaintiff has other Matters progressing simultaneously and in his recent constant state of tiredness and mental fatigue brought on by his new work hours it was the Plaintiff’s genuine belief that he had addressed all the outstanding submissions in every Matter and was in compliance with O28.r1A.

7. Adjusting to a change in Work Schedule can take anywhere from Weeks to Months depending on the Individual.

8. Inadvertently the Applicant failed to file an application for an Extension of time prior to the deadline, the Applicant communicated with the Defendant regarding the difficulties on filing on time on 05th March, 2025 but has not been provided with confirmation of consent nor an objection.

9. Missing the deadline was a regrettable and innocent error; as a consequence of the matters at paragraph 2 to 5, the Applicant humbly requests that said Order be granted to permit an extension of time until 14th March 2025.

10. The Defendant will not suffer any prejudice by the extension sought since no responsibility lies with the Defendant at this time to make any submission and a submission on their part is dependent on the Applicant being allowed time to comply with O28.r1A.”

8. I should then go on to record that Mr Johnson swore and filed a second affidavit on 19 May 2025. This affidavit appears to have been sworn whilst he was in Georgetown, Guyana, rather than in the United States, as he was at the time of swearing his first affidavit.
9. His second affidavit goes into the merits of his originating summons, and I treat it as being the evidence that he intends to rely on in support of that originating summons, which should, as I indicated a moment ago, have been served within 14 days of 23 January 2025. His evidence was thus some 3 months late.
10. There has been nothing further happening on the file from the Plaintiff’s side, as far as I can see, since service of that evidence. However, the Registry arranged to have this matter listed in court to address the question of the Plaintiff’s continuing refusal to provide an address for service.

11. The matter was therefore listed for hearing before me today, 25 September 2025. On 4 September 2025, the court office provided the parties with the time and date of the hearing and a Zoom link. Later the same day, on 4 September 2025, Mr Johnson responded saying that he would “*not be forced into a hearing and I shall not be in attendance.*” He also objected to the hearing being listed before me, saying “*this matter includes elements that would undermine his role*” There was no communication from the Defendant’s attorneys.
12. True to his word, Mr Johnson has not attended the hearing today, in person, by Zoom or by attorneys acting on his behalf.
13. The first thing I should consider is therefore whether it is fair to Mr Johnson in those circumstances for me to proceed to deal with this matter notwithstanding his non-attendance at court.
14. I have concluded that I should do so. Mr Johnson has clearly been given notice of the hearing today. He has been given more than adequate notice, more than three weeks, and from the correspondence I have seen between the court staff and Mr Johnson, it is clear that he has made a deliberate decision not to engage with the court in relation to the further progress of these proceedings.
15. Having dealt with Mr Johnson’s non-attendance, I also reject his suggestion that I should not be the judge who deals with this case. The basis for Mr Johnson’s contention appears to be that his current claim concerns the refusal by the Director of Legal Aid to grant Mr Johnson legal aid in respect of his claim against the Health Services Authority, and/or his appeal against my grant of a stay of that action unless and until Mr Johnson provides an address for service within the jurisdiction. There is thus some factual overlap between the two cases. However, I do not consider that any such overlap provides a reason why I should recuse myself from dealing with this current claim.
16. The Court of Appeal has very recently given a judgment in the related matter, *Johnson v Cayman Islands Health Services Authority* [2025] CICA (Civ) 15). To put that into context, that claim is a complaint that Mr Johnson wishes to make against the Cayman Islands Health Services Authority, who had refused to shortlist him for certain jobs within the Cayman Islands for which he wished to apply.

17. The current proceeding, Mr Johnson's complaint against the Legal Aid Director, is because Mr Johnson sought legal aid to support his claim in G 145 of 2024, which the Director of Legal Aid refused and Mr Johnson pursued his dissatisfaction with that outcome by the current proceedings.
18. I will now go back to Cause No. G 145 of 2024. That matter came before me during the course of 2024. I took the view that Mr Johnson was required to provide an address for service within the Cayman Islands if he wished to pursue his claim and in light of his refusal to do so, I ordered that that claim should be stayed unless and until Mr Johnson complied with my direction.
19. Mr Johnson, with my leave, appealed to the Court of Appeal against that order and his appeal was heard on 5 September 2025 by the President, Sir Michael Birt and Claire Montgomery KC sitting as additional Justices of Appeal.
20. They circulated a draft judgment to Mr Johnson on 10 September 2025, and the final judgment was handed down on 18 September 2025. Montgomery JA, with whom the other two members of the Court of Appeal agreed, upheld my decision and concluded that Mr Johnson is required in all proceedings that he brings in the Cayman Islands to provide an address for service within the jurisdiction.
21. In those circumstances, given that there is no address of service within the jurisdiction for Mr Johnson for these current proceedings G 227 of 2024, of the Court's own motion, I order that these proceedings are stayed unless and until Mr Johnson provides an address for service within the jurisdiction.
22. If he does so, then he can apply to me or to another judge of the Grand Court for the stay to be lifted but unless and until he does so, there will be no further progress in this proceeding and I will make an order to that effect.

Dated 25 September 2025



**THE HONOURABLE JUSTICE JALIL ASIF KC
JUDGE OF THE GRAND COURT**