



Neutral Citation Number: [2026] CIGC (FSD) 36

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION

FSD Cause No. 128 of 2026 (MRHCJ)

IN THE MATTER OF THE D, E, F, G and H Trusts

BETWEEN

AA in its capacity as trustee of the D, E, F, G and H Trusts

PLAINTIFF

AND

- (1) BB
- (2) CC in its capacity as protector of the D, E, F, G and H Trusts
- (3) DD in its capacity as custodian of the D, E, F, G and H Trusts
- (4) EE
- (5) FF
- (6) GG
- (7) HH

DEFENDANTS

On the papers

Ramsay-Hale CJ.

Bedell Cristin Partnership for the Plaintiff

Date of Decision: 7 May 2026

Judgment Delivered: 15 May 2026

Confidentiality application - proposed trust proceedings - application for anonymisation and sealing orders - private family trusts - principles governing the making of confidentiality orders in trust cases

JUDGMENT

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Introduction

1. This is an application by the Plaintiff in its capacity as trustee of certain family trusts, brought ex parte on notice to the Defendants for confidentiality and anonymisation orders in advance of the filing of an originating summons (the “Originating Application”).
2. The application is made by way of originating summons and is supported by the first affidavit of T, a director of the trustee. I have also considered the draft order exhibited to the summons.
3. The relief sought is, in summary, that:
 - (i) the Originating Application and these proceedings be anonymised;
 - (ii) the Court file be sealed, save for an anonymised version of the originating process;
 - (iii) the proceedings be heard in private; and
 - (iv) any judgment or order be published only in anonymised form.

The Applicable Principles

4. The applicable principles are well-established. The starting point is the constitutional and common law principle of open justice. Sections 7(1) and (9) of the Constitution require that proceedings be conducted in public. In *The International Banking Corporation BSC (in administration) v AHAB* 2018 (2) CILR 20 Newman JA observed relevantly, though in the context of a discovery application, at [10] that,

“It is firmly established that the administration of justice in Cayman must comply with the principle of open justice.”

5. However, that principle is not absolute. Section 7(10) of the Constitution expressly recognises that the Court may derogate from open justice where it is “*necessary or expedient in the interests of justice*”, including in “*circumstances where publicity would prejudice the interest of justice or in interlocutory proceedings, or in the interests of public morality, the welfare of minors interlocutory proceedings, the protection of commercial confidence or of private lives of persons concerned in the proceedings*”...
6. In *Re Sphinx Group of Companies (in Official Liquidation)* [2017] 1 CILR 176, Smellie CJ, as he then was, held that limitations on open justice may only be imposed where the interests of justice so require, and that the Court must balance the general rule as to publicity against countervailing privacy interests.
7. In *Julius Baer Trust Company (Channel Islands) Ltd v AB, CD and EF* [2018] 2 CILR 1, Kawaley J synthesised the constitutional framework and identified section 7(10) as the primary guide to the permissible limits on open justice. He further emphasised that the rights protected by the Bill of Rights form an “*interlocking system*” which had to be construed consistently as far as possible to ensure that privacy rights are not subordinated unduly to open justice.
8. In addition to the typical gateways through which confidentiality orders may be granted, namely for the protection of the private lives of persons concerned and the welfare of minors,

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the learned Judge also recognised, as a matter of practical reality, that association with substantial wealth may give rise to personal security risks, such that confidentiality may be justified on that basis alone. He further accepted that, in an offshore trust context, there is a legitimate public interest in ensuring that trusts may be administered in a manner which does not prejudice the privacy and safety of beneficiaries, particularly where no countervailing public interest is engaged.

9. The nature of trust proceedings themselves is also material. As Kawaley CJ (sitting in Bermuda) observed in *Re The G Trust* [2017] SC (Bda) 98 Civ, such proceedings commonly involve subject matter which, in any other context, would be regarded as confidential, private and/or subject to legal privilege. Consistent with that, proceedings concerning the internal administration of private trusts have traditionally been treated as matters appropriate for hearing in chambers.
10. That approach has been reliably followed in this jurisdiction. In *Re Sphinx* Smellie CJ recognised that the Court procedure in civil matters permits the sealing of files and restriction of publication where appropriate, and that hearings in chambers commonly address sensitive commercial or private matters.
11. More recently, the modern Cayman authorities have reaffirmed the continued legitimacy of confidentiality orders in appropriate trust cases. In *In the matter of IGCF SPV 21 Limited* (unrep., Segal J, 1 February 2023) and *In the matter of the A Trusts* [2025] CIGC (FSD) 16, the Grand Court endorsed the *Julius Baer* framework and confirmed that internal trust disputes remain a paradigm category in which confidentiality may properly be granted.
12. In *A Trusts*, Doyle J further observed that, notwithstanding broader trends in favour of transparency in some jurisdictions, the Cayman courts will continue to recognise that proper privacy and confidentiality concerns in private trust cases constitute a legitimate and important exception to open justice.
13. Finally, *Julius Baer* makes clear that confidentiality orders may be inappropriate where there exists a countervailing public interest, such as involvement in regulatory, tax, or misconduct-related proceedings. In the absence of such factors, the case for confidentiality is correspondingly stronger.
14. Drawing these authorities together, the Court must ask:
 - (i) whether the case falls within a recognised gateway for derogation from open justice;
 - (ii) whether the confidentiality sought is necessary and proportionate; and
 - (iii) whether there exists any countervailing public interest sufficient to outweigh the privacy interests engaged.

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The Intended Proceedings

15. The intended proceedings arise out of an alleged mistake by a former trustee in the exercise of its powers under the D Trust.
16. In summary, the former trustee accepted additions to the trust fund from the First Defendant in or about 2007 to 2009. It is said that, in doing so, the former trustee failed to recognise that the effect of those additions was to render the First Defendant a “settlor” and, by operation of the trust instrument, an “excluded person”, with the consequence that he was thereafter ineligible to benefit from the trust.
17. Notwithstanding that position, distributions were subsequently made to or for the benefit of the First Defendant, and assets were transferred to related trusts established for the benefit of his children, in which he also had an interest. It is said that those distributions and transfers were, as matters stand, made in breach of trust.
18. The current trustee now seeks declarations under section 64A of the **Trusts Act (2021 Revision)** that the relevant deeds of addition are void on the basis that the former trustee, in exercising the power to accept those additions, failed to take into account relevant considerations and would not have exercised the power, or would not have done so in the same way, but for that failure.
19. The proposed proceedings will necessarily involve consideration of the structure and administration of the trusts, the identity and status of beneficiaries, and aspects of the family’s financial affairs. The evidence also indicates that such matters are not in the public domain, that steps have been taken to preserve their confidentiality, and that the beneficial class includes minors.

Assessment

20. In my judgment, this is a paradigm case for the grant of confidentiality orders. The proceedings are properly characterised as internal trust administration proceedings. They do not involve any issue of public misconduct, regulatory concern, or wider public interest.
21. The information which would otherwise be disclosed is inherently private. It concerns the financial affairs and family relationships of individuals who have a legitimate expectation of privacy. The beneficial class includes minors and the Court is under a particular duty to safeguard their welfare. The risk of unwanted intrusion or harm arising from public disclosure is a real and weighty consideration.
22. There is no countervailing public interest which would justify maintaining full openness in this case.
23. In those circumstances, I am satisfied that the derogation from the principle of open justice sought by the Plaintiff is both necessary and proportionate.

Conclusion

24. For these reasons, I am satisfied that it is appropriate to grant the confidentiality and anonymisation orders sought and make an order in terms of the draft order, including:

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- (i) anonymisation of the parties by initials;
- (ii) filing of an anonymised originating summons on the Register only;
- (iii) sealing of the court file;
- (iv) private hearings; and
- (v) anonymised publication of any judgments or orders.

25. I order that the costs of this application be costs in the Originating Application.

DATED THE 15th MAY 2026

**THE HON. JUSTICE MARGARET RAMSAY-HALE
CHIEF JUSTICE OF THE GRAND COURT**