

IN THE GRAND COURT OF THE CAYMAN ISLANDS
CIVIL DIVISION

CAUSE NO: 212 of 2019 ()

BETWEEN:



JOHN FELDER

-and-

SANDRA HILL



PLAINTIFF

DEFENDANT



WRIT OF SUMMONS

TO: Sandra Hill, Unit 23 Pasadora Place, Smith Road, Grand Cayman, Cayman Islands and PO Box 32066, KY1-1208, Grand Cayman, Cayman Islands and tips@caymanmarlroad.com and contact@caymanmarlroad.com

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 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 495G 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 any 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 27th day of December 2019.

NOTE this Writ may not be served later than 4 calendar months beginning with the date of original issuance unless renewed by order of the Court.

IMPORTANT

Directions for the Acknowledgment of service are given with the accompanying form.

This Writ of Summons is filed by Priestleys Attorneys at Law for the Petitioner whose address for service is Second Floor Caribbean Plaza, 878 West Bay Road, PO Box 30310, Grand Cayman, KY1-1202

GENERAL INDORSEMENT

The Plaintiff's claim is for:

- 1) Damages for libel, in respect of an article which the Defendant first published or caused to be published on the 16th December 2019 on the website *www.caymanmarlroad.com* (“**Website**”) which can be found at the URL *https://caymanmarlroad.com/john-felder-fired-from-cayman-automotive/* entitled “*John Felder fired from Cayman Automotive*” (“**Defamatory Article**”)
- 2) Damages for libel, in respect of the Defamatory Article which the Defendant published or caused to be published on Facebook at *https://www.facebook.com/CaymanMarlRoad/* and any further Social Media accounts associated with the Defendant on which the Defamatory Article has been shared or repeated (“**Social Media Accounts**”).
- 3) A permanent injunction to restrain the Defendant, whether by herself, her servants or agents or otherwise, from continuing to publish, further publishing or causing to be published the Defamatory Article or the same or any similar defamatory or malicious falsehoods concerning the Plaintiff on the Website or Facebook or via the Social Media Accounts.
- 4) Interest pursuant to section 34 of the Judicature Law (2017 Revision) at such a rate and for such a period as the Court shall see fit; and
- 5) Costs.

DATED at Grand Cayman this 27th day of December 2019

Priestleys

PRIESTLEYS

Attorneys for the Plaintiff

No. 8

Acknowledgement of service of writ of summons (0.12, r.3)

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 instalments or otherwise.

See over for notes for guidance

Please complete overleaf

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 its 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.

Prestleys
878 West Bay Road
Grand Cayman, Cayman Islands

Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.