

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION**

CAUSE NO. OF 2020

In the Matter of the Data Protection Law

BETWEEN:

**VELMA ANN SULLY (1)  
LOUIS-HERATD SULLY (2)**

Plaintiffs

**-AND-**

**FIDELITY BANK (CAYMAN) LIMITED**

Defendant



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**WRIT OF SUMMONS**

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**TO: FIDELITY BANK (CAYMAN) LIMITED, Campbells Corporate Services,  
George Town, Grand Cayman Cayman Islands**

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 495GT, 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 26th day of November 2020

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 issue unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgement of Service are given with the accompanying form.

The Defendant damaged the Plaintiffs by passing to Third Parties a false, inaccurate, over 9-year-old negative credit history of a credit card [*No. 4262 9743 3901 0598 in the names of the Plaintiffs at the Defendant from 18 September 2007 to 31<sup>st</sup> December 2011*] knowing that the information would be relied upon and cause/result in credit being wrongly denied to the Plaintiffs.

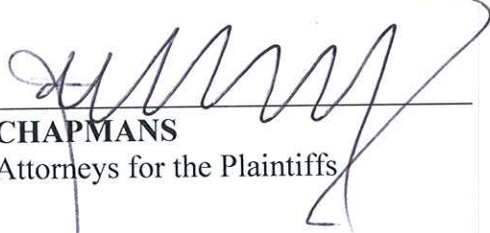
By publishing the false information to Third Parties and other financial “credit” institutions the Defendant libeled and/or slandered the Plaintiffs.

The Defendant’s actions were further negligent and in breach of statutory duty because the Defendant failed to keep any proper/accurate records or controls over the Plaintiffs’ private information and the Defendant allowed false and misleading information to be published to Third Parties, knowing it to be false or being reckless as to whether it was accurate, breaching its duty of care to the Plaintiffs, and its duties under the Data Protection Law, 2017.

AND the Plaintiffs claim:

1. damages for libel and/or slander contained in the false and misleading communications from the Defendant;
2. an injunction (a) restraining the Defendant whether by its officers, directors, employees or agents or otherwise from further publishing or causing to be published any of the misleading/inaccurate credit history records defamatory to the Plaintiffs and (b) an injunction ordering the Defendant to write to all Third Parties to whom it published the libel/slander to correct the wrong done ;
3. further damages for negligence and breach of statutory duty;
4. further or other relief as meets the case;
5. Interest pursuant to statute and costs.

Dated this 26<sup>th</sup> November 2020



**CHAPMANS**  
Attorneys for the Plaintiffs

**THIS WRIT OF SUMMONS** was issued by CHAPMANS, Attorneys for the Plaintiffs, whose address for service is:  
Commonwealth House, PO Box 742, 81 West Church St, West Bay, Grand Cayman KY1-1303 (jchapman@chapmanslegal.com)

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 495, 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.

## 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.

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Plaintiffs

**-AND-**

**FIDELITY BANK (CAYMAN) LIMITED**

Defendant

**ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS**

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

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2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

yes

no

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3. If the claim against the Defendant is for a debt or liquidated demand, AND he
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does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (tick box)

yes

no

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Service of the Writ is acknowledged accordingly

(Signed).....

Defendant / Attorney for the Defendant

**Please complete overleaf**

**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 plaintiffs' Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

**Chapmans**  
**Commonwealth House**  
**81 West Church St, West Bay,**  
**Grand Cayman KY1-1303**  
**Cayman Islands**  
jchapman@chapmanslegal.com

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