

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 154 OF 2021

BETWEEN:

JEFFREY BUSH

PLAINTIFF

-and-

**THE COMMISSIONER OF POLICE
(C/O THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS)**

DEFENDANT



WRIT OF SUMMONS

TO: The Commissioner of Police, c/o the Attorney General of the Cayman Islands.

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff c/o his Attorneys, KSG Attorneys-at-Law, 4th Floor Harbour Centre, 42 North Church Street, P.O. Box 2255, Grand Cayman 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 495, 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 19th day of July 2021.

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 Acknowledgment of Service are given with the accompanying form.

STATEMENT OF CLAIM

1. At all material times the Plaintiff, Mr Jeffrey Bush (d.o.b. 24th October 1979), was a member of the public.
2. At all material times the Defendant was the Commissioner of Police for the Royal Cayman Islands Police Service, and responsible for the acts and omissions of officers acting under its direction and control in performance or purported performance of their duties.
3. The Defendant owed the Plaintiff a duty to take reasonable care for his safety in any interaction with its officers.

PARTICULARS OF BATTERY

4. On the 20th July 2018 the Plaintiff was being arrested by police officers who were at all material times officers of the Defendant.
5. In the course of that arrest, one or more of the police officers:
 - 5.1. Forced the Plaintiff to the ground.
 - 5.2. Placed a knee on the Plaintiff's back and applied significant pressure.
 - 5.3. Struck the Plaintiff to his side.
6. As a result of the actions of the police officers set out above, the Plaintiff has suffered pain, injury, loss and damage, including two broken ribs.
7. The Plaintiff's injuries were caused or contributed to by the negligence of the Defendant, its employees or agents in breach of its duty of care owed to the Plaintiff.

PARTICULARS OF NEGLIGENCE

8. The Plaintiff's injury was caused by the negligence of the Defendant in that:
 - 8.1. Its officers failed to use the appropriate and safe means or method to detain the Plaintiff.
 - 8.2. It failed to train its officers properly in regards to the use of force.

8.3. It failed otherwise to protect the Plaintiff from its officers.

9. As a result of the Defendant's negligence the Plaintiff has suffered pain, injury, loss and damage.

PARTICULARS OF INJURY

10. The Plaintiff's date of birth is the 24th October 1979 and at the date of the battery he was 38 years old.

11. The Plaintiff suffered injuries, including two broken ribs.

12. The Plaintiff attended the Cayman Island Hospital following the collision.

13. The Plaintiff continues to suffer pain, discomfort and loss of amenity.

PARTICULARS OF SPECIAL DAMAGE

14. The Plaintiff's particulars of special damage will be provided in due course by way of a Schedule of Loss including but not limited to claims for costs of medical treatment, past and future loss of earnings, travel, gratuitous care and loss of opportunity on the open labour market.

15. The Plaintiff claims aggravated and exemplary damages for reasons including but not limited to the fact that this was an oppressive, arbitrary and malicious use of force against the Plaintiff.

16. The Plaintiff seeks pre- and post-judgment interest from the date that the said sum became due at the rate of 2 3/8% per annum on the sum due and owing until payment and in accordance with the provision of the Judicature Act (2021 Revision) and the Judgment Debt (Rates of Interest) Rules (2021 Revision).

17. Interest is claimed from the 20th July 2018 and is to be assessed.

And the Plaintiff claims:

- General and Special Damages
- Aggravated and Exemplary Damages
- Interest
- Costs
- Further or other relief

A handwritten signature in black ink, consisting of the letters 'KSG' in a stylized, cursive font.

KSG

Attorneys-at-Law for the Plaintiff

**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 installments 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.

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

KSG
Attorneys at Law
4th Floor Harbour Centre
42 North Church Street
PO Box 2255 KY1-1107
George Town
Grand Cayman

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

[Empty box for defendant's Attorney endorsement]