

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

**CAUSE NO: GC <sup>191</sup> OF 2020**

**BETWEEN: SANDRA HILL**

**PLAINTIFF**

**AND: FRANK SWARE MCFIELD**

**DEFENDANT**



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**WRIT OF SUMMONS**

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**TO:** Frank Swares McField, 94 Abbey Way, Red Bay, Grand Cayman, Cayman Islands and PO Box 30712, KY1-1203, Grand Cayman, Cayman Islands and [drfrankmcfield@gmail.com](mailto:drfrankmcfield@gmail.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, PO Box 495GT, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgement of Service within the time stated, or if you return the Acknowledgment of Service 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 7<sup>th</sup> day of September 2021.

**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 Acknowledgment of service are given with the accompanying form.

This Writ of Summons is filed by Sandra Hill whose address for service is Unit 3 Dorcy Place, Industrial Park, Grand Cayman.

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**GENERAL ENDORSEMENT**

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The Plaintiff's claim is for:

- 1) Damages for libel, in respect of a social media post which the Defendant first published on the 6<sup>th</sup> September 2019 on Facebook which can be found at URL <https://www.facebook.com/frank.mcfield.7/posts/10223667557969764>
- 2) Damages for libel in respect of the comments he permitted to be published under his post.
- 3) A permanent and mandatory injunction to restrain the Defendant, whether by himself, his servants or agent or otherwise, from continuing to publish, further publishing or causing to be published the Defamatory Post or the same or any similar defamatory or malicious falsehoods concerning the Plaintiff on Facebook or via any other 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 7<sup>th</sup> day of September 2021.

*Sandra Hill*

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Sandra Hill

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

**CAUSE NO: GC OF 2020**

**BETWEEN: SANDRA HILL**

**PLAINTIFF**

**AND: FRANK SWARE MCFIELD**

**DEFENDANT**

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**ACKNOWLEDGEMENT OF SERVICE  
OF WRIT OF SUMMONS**

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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.
  2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*) Yes [ ]  
No [ ]
  3. If the claim against the Defendant is for a debt or liquidated demand, AND he 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) \_\_\_\_\_

[Attorney] for

[Defendant in Person]

Address for service:

*Please see overleaf....*

This Writ of Summons is filed by Sandra Hill whose address for service is Unit 3 Dorcy Place, Industrial Park, Grand Cayman.

### 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 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.*

Sandra Hill Unit 3 Building 2 Dorcy Place, Industrial Park Grand Cayman, Cayman Islands
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*Endorsement by Defendant's Attorney (or by Defendant if suing in person) of his name, address and reference, if any, in the box below.*

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This Writ of Summons is filed by Sandra Hill whose address for service is Unit 3 Dorcy Place, Industrial Park, Grand Cayman.

**DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE  
OF WRIT OF SUMMONS**

1. The accompanying form of *Acknowledgement 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, PO Box 495, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgement 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 endorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2). The defence must be served within fourteen (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 endorsed on the Writ, the defence need not be served until fourteen (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 fourteen (14) days after his Acknowledgement, 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.

**Notes for Guidance**

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
2. For the purpose of calculating the period of fourteen (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 authorized to act on behalf of the Company, but the Company can take no further steps in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL HEALTH 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.

This Writ of Summons is filed by Sandra Hill whose address for service is Unit 3 Dorcy Place, Industrial Park, Grand Cayman.