
STATEMENT OF CLAIM

1. The decision by the Deputy Commissioner and Commissioner of the Royal Cayman Islands Police Service in a letter dated 2 March 2007, not to take into consideration Section 20(2) of the Police Act (2006 Revision), was procedurally unfair, unreasonable, oppressive, and therefore unlawful and a nullity and of no effect. Which states:

"A non-gazetted officer who has served for twenty-one years in the Force may retire on pension without prejudice to his being accepted for such further period or periods of service as may be fixed by contract."
2. Cabinet as expressed in Part III of the Constitution is to exercise their executive powers delegated by Her Majesty to the Governor of the Cayman Islands, through the Government and Members of the Cabinet. Cabinet has ultimate discretion in its decision-making process and may avail itself of all resources available in that process.
3. I joined the Royal Cayman Islands Police Services (RCIPS) in 1984 by signing a permanent and pensionable contract. In January 1998 I was seconded to Hampshire Constabulary United Kingdom, where I attended and completed the advance certification as an Expert Fingerprint officer at the scientific support College New Scotland Yard. I am duly registered as a Fingerprint expert at the Home Office.
4. In late 1997 before going off to the scientific support Collect New Scotland Yard I agreed with the Police Commissioner, who at the time was Mr. Thursfield and senior management to retire as an operational officer and be re-hired on a fixed term contract as a civilian working in the Scientific Support Branch of the RCIP. This I was told would hopefully improve the efficiency of service, by increasing the number of front-line officers.
5. In July 2000 I returned to the RCIPS where I re-joined the Scientific Support Branch. In late 2001 I was later promoted to the rank of Sergeant and appointed as the deputy head of the department.
6. Between 1998 and 2007 the Commissioner of Police and senior management of the Royal Cayman Islands Police Service decided to convert the support staff of the Scientific Support Branch to civilian capacity with all rights and privileges therein. This would relieve warranted officers of their titles and provide the Commissioner to employ more officers thereby making the RCIPS more efficient.

This Writ of Summons and Statement of Claim was issued by the Plaintiff, whose address for service is aamiller2711@gmail.com

must affect [the] other person ... by depriving him of some benefit or advantage which either (i) he had in the past been permitted by the decision-maker to enjoy and which he can legitimately expect to be permitted to continue to do until there has been communicated to him some rational grounds for withdrawing it on which he has been given an opportunity to comment; or (ii) he has received assurance from the decision-maker that the benefit or advantage will not be withdrawn without giving him first an opportunity of advancing reasons for contending that they should not be withdrawn."

19. It is respectfully submitted that on this basis that I had a legitimate expectation that my Permanent and Pensionable contract would be continued as agreed to be transferred to civilian capacity with all rights and privileges therein.
20. I further submit that since no apparent rational grounds for retiring me early pursuant to Section 20(2) of the Police Act (2006 Revision) or for the discontinuation of my permanent and pensionable contract have to this day arisen, I must be immediately compensated from breach of contract. I have sought countless times to find alternative employment within government as recently as March 2021, without any success.
21. In early October 2011 I finally settled into studying for my LPC in the UK. I started to really enjoy the LPC course. During the class group B, session four, I heard two students discussing me being on Google. This discussion was very brief and they were just confirming that it was be on the website. The conversation lead me to believe that information was posted on the internet about my personal and professional life. After a break, I immediately searched my name on the infamous Google site. I was not prepared for what I discovered. Someone or group acting together posted contents stating that I was an expert from the Cayman Islands and I was fired for unknown reasons. The postings went as far as stating that I committed dishonesty offenses in the Cayman Islands. I found that my name was included on a criminal Summary Court listing on the Cayman Islands judicial website. The only interpretation someone reading or seeing this would leave viewers with the believe that I had been charged with theft. Needless to say that I was quite shocked by this discovery and I felt confused, distances and completely detached from the course.
22. In December 2011 I took a break for fall. I returned to the UK in January 2012. Upon my return I made an appointment with Bains Cohen LLP, Solicitors and Notary Public in London to assist me in removing these defamatory contents from the Google side. After consultation with them I was advised that:

"the technical team believes that this defamatory search result is the product of a Google algorithm which caused the word theft to be placed next to my name from the embedded PDF document, however we cannot discount the possibility this has been intentionally created by the Cayman Islands Judiciary." [See Schedule 1 para 2 of the letter attached.]

This Writ of Summons and Statement of Claim was issued by the Plaintiff, whose address for service is aamiller2711@gmail.com

contend that these actions are a fundamental breach of Section 9(1) of my constitutional rights where Government shall respect every person's private and family life, his or her home and his or her correspondence.

23. Section 16(1) of the Cayman Islands Constitution Order 2009 government shall not treat any person in a discriminatory manner in respect of the rights under this part of the Constitution and section 19(1) all decisions and acts of public officials must be lawful, proportionate and procedurally fair.
24. Further, Section 24 of the Constitution states that it is unlawful for a public official to make a decision or to act in a way that is incompatible with the Bill of Rights unless the public official is required or authorised to do so by primary legislation, in which case the legislation shall be declared incompatible with the Bill of Rights and the nature of that incompatibility shall be specified.
25. Given that the Constitution is the supreme legislation in this jurisdiction, which governs all other legislation and each and all creatures of the Constitution as provided for. Therein, no primary legislation, let alone subordinate legislation can supplant or displace the rightful enjoyment of livelihood, life and property unless as provided for in the Constitution, otherwise that legislation and any attempted enforcement of it would contravene Section 16(1), 19(1) and 24 of the Constitution.
26. I contend that the decision made by the commissioner of police is null and void and has no lawful authority. The decision not to take into account the Police Act was tainted or nullified by illegality, and in doing so breached my Permanent and Pensionable Contract.
27. There is no functional detriment on the part of the Defendants, therefore, the delay has caused no injustice and no prejudice. The Plaintiff has been reliant on the instructions of the Commissioner of the Royal Cayman Islands Police Service about converting from a Warranted Officer to Civilian Status to improve the establishment. This was clearly stated in the Affidavit by the former Commissioner Buel Braggs (attached as Appendix 1). The Grand Court Rules (G.C.R) ordered for want of prosecution is incompatible with the Constitution Order 2009 of the Cayman Islands.

This Writ of Summons and Statement of Claim was issued by the Plaintiff, whose address for service is aamiller2711@gmail.com

AND THE PLAINTIFF CLAIMS

1. General and Special Damages in respect of my premature retirement by the Commissioner of police and the consequential reputational damage, financial loss and hardships and emotional distress that my family and I have endured.
2. As per *Mclaughlin v His Excellency the Governor of the Cayman Islands* [2007] UKPC 50, that reinstatement is impossible at this stage. To ensure that justice is done, I accordingly submit that given the unlawful decision of the Deputy and Commissioner of Police and the consequences to the Applicant that this is a case which justifies the award of damages.
3. The Cayman Islands Government owes Andrew A Miller salary from 2007 at the rate of CI\$59,000 per year until I attain the retirement age of 65 (2023) 25 years, which amounts to CI\$1,475,000 as stipulated by law and post interest. The difference from my European counterparts should also be included in the compensation amounts.
4. General and aggravated and exemplary damages for libel and or slander for malicious falsehood for publishing words of dishonesty on Google and the world wide web (www).
5. Such further, consequential and or other relief that is just.

Appendices:

Letter to Premier Hon. Wayne Panton JP, MP dated August 11, 2021
Contract – dated September 14, 1984
Affidavit Buel Braggs dated April 8, 2022

- Appendix 1
- Appendix 2
- Appendix 3

This Writ of Summons and Statement of Claim was issued by the Plaintiff, whose address for service is aamiller2711@gmail.com

Dated this 14 day of September 2022

A handwritten signature in blue ink, appearing to read "Andrew Miller", written over a horizontal line.

ANDREW MILLER
Plaintiff

August 11th, 2021

TO Premier Hon. Wayne Panton JP, MP
Deputy Premier Hon. Chris Saunders MP
Government Administration Building
133 Elgin Avenue, P.O. Box 907
Grand Cayman, KY1-1103
Cayman Islands

Attention:

Heather Bodden MP Parliamentary Secretary

Hon. Juliana O'Connor-Connolly, JP

Hon. Bernie Bush MP

Hon. Kenneth Bryan MP

Hon. André Ebanks MP

Hon. Sabrina Turner MP

Hon. Jay Ebanks MP

Hon. Katherine Ebanks-Wilks, LLB/ Deputy Speaker/ Parliamentary Secretary

Mr. Isaac Rankine serves as Parliamentary Secretary

His Excellency the Governor, Martyn Roper

Hon. Attorney General, Samuel W. Bulgin Q. C., J.P.

Hon. Franz Manderson, MBE, Cert Hon., JP

Dear Hon. Premier Mr. Panton,

SUBJECT: Letter of claim for Unfair/Constructive Dismissal and abuse of Public Office

1. The decision by the Deputy Commissioner and Commissioner of the Royal Cayman Islands Service Police in a letter dated March 2, 2007, not to take into consideration Section 20 (2) of the Police Law (2006 Revision), was procedurally unfair, unreasonable, oppressive, and therefore unlawful and a nullity and of no effect. Which states;

" A non-gazetted officer who has served for twenty-one years in the Force may retire on pension without prejudice to his being accepted for such further period or periods of service as may be fixed by contract."

2. Cabinet as expressed in Part III of the Constitution is to exercise their executive powers delegated by Her Majesty to the Governor of the Cayman Islands, through the Governor and Members of the Cabinet. Cabinet has ultimate discretion in its decision-making process and may avail itself of all resources available in that process.

Facts and background

- 5 I joined the Royal Cayman Islands Police Service (RCIPS) in 1984 by signing a permanent and pensionable contract. In January 1998 I was seconded to Hampshire Constabulary United Kingdom, where I attended and completed the advance certification as an Expert Fingerprint officer at the scientific Support College New Scotland Yard. I am duly registered as a Fingerprint expert at the Home Office.
- 6 In late 1997 before going off to the scientific Support College New Scotland Yard I agreed with the Police Commissioner, who at the time was Mr. Thursfield and senior management to retire as an operational officer and be re-hired on a fixed term contract as a civilian working in the Scientific Support Branch of the RCIP. This I was told would hopefully improve the efficiency of the service, by increasing the number of front-line officers.
- 7 In July 2000 I returned to the RCIPS where I re-joined the Scientific Support Branch. In late 2001 I was later promoted to the rank of Sergeant and appointed as the deputy head of the department.
- 8 Between 1998 and 2007 the Commissioner of Police and senior management of the Royal Cayman Islands Service Police decided to convert the support staff of the Scientific Support Branch to civilian capacity with all rights and privileges therein. This would relieve warranted officers of their titles and provide the Commissioner to employ more officers, thereby making the RCIPS more efficient.

- 9 Following the instructions received and agreed upon it's important to note that in his letter date March 29, 2007, Commissioner Kernohan instructed me to hand over my warrant card (ID card), pursuant to Section 17 (1), of the Police Law, (2006 Revision). But failed to indicate the reasons, and he did not finalize my retirement.

The Common Law

- 10 At common law,

"there is a presumption that procedural fairness is required whenever the exercise of a power adversely affects an individual's rights protected by common law or created by statute. These include rights in property, persona/liberty, status and immunity from penalties or other fiscal impositions. The duty to afford procedural fairness is not however, limited to the protection of legal rights in the strict sense: it also applies to more general interests, of which the interest in pursuing a livelihood and in personal reputation have received particular recognition:

Ridge v. Baldwin [1964] A.c. 40; McInnes v. Onslow-Fane [1978] 1 W.L.R. 1520 at 1527-1528; Rees v. Crane [1994] 2 A.c. 17."

- 11 Applying the above principle to the circumstances at hand, it is submitted that the commissioner was subject to a duty to ensure that procedural fairness was maintained in reaching a decision of whether to retire me pursuant to Section 20(2) of *The Police Law (2006 Revision)*. This is so because a decision to retire the Applicant on either ground would clearly affect the Applicant's vested financial interests in receiving a salary, health insurance coverage and pension contributions; his interest in pursuing a livelihood; and, in maintaining his, up until that point, unblemished personal and professional reputation.
- 12 Some decisions require full adjudicative-type hearings in order to ensure procedural fairness has been maintained, whereas others only narrowly permit the mere right of notice of the decision under consideration. At common law, there are no rigid rules governing what type of procedures a decision-maker will have to follow in order to ensure procedural fairness has been maintained.

13. In the House of Lords decision in *Ridge v. Baldwin* [1964] A.C. 40, one of the leading cases on the boundaries of procedural fairness, it was held that the decision of a Watch Committee to dismiss a Chief Constable could not be lawfully exercised "until the Watch Committee have informed the constable of the grounds on which they propose to proceed and have given him a proper opportunity to present his case in defence." This was held despite the absence of any such express statutory provisions to this effect. The Watch Committee were acting pursuant to s. 191 (4) of the Municipal Corporations Act, 1882. Arguably, the wording of section 191 bestowed even wider discretion upon the Watch Committee than Section 20(2) of *The Police Law (2006 Revision)* bestows upon the applicant, arguably, the wording of section 191 bestowed even wider discretion upon the Watch Committee than Section 20(2) of *The Police Law (2006 Revision)* bestows upon the Defendant
14. The principle enunciated in *Ridge v Baldwin* was applied by the House of Lords in *R v Chief Constable of North Wales, ex p. Evans* [1982] 1 WLR 1155 where it was held that the decision by the Chief Constable to give an Officer the choice to either resign or be dismissed was made contrary to the rules of natural justice due to the failure of the Chief Constable to give the officer an opportunity to be heard in relation to allegations made against him, some of which were later proved to be factually inaccurate.
- 15 It has been noted that the draconian manner in which the Defendant chose to reach his decision to retire the Applicant and the consequential damage both financially and to the Applicant's otherwise impeccable professional and personal reputation is a regrettable example of this observation.
- 16 It is a settled principle at common law that a failure by a decision-maker to ensure that procedural fairness has been maintained will result in the decision being considered unlawful, furthermore, it is also a settled principle that where a decision was made unlawfully, it is to be considered a nullity and of no effect. Applied to the matter at hand, if the decision to retire the Applicant is indeed deemed to have been made unlawfully, and thus was not an effective retirement of the Applicant, it necessarily follows that he was never in fact retired by the Defendant and he is thus entitled to his salary and any other benefits he would have enjoyed as

- 17 It has long been a settled principle at common law that decisions which are "*so unreasonable that no reasonable authority could ever come to it*" - *Associated Provincial Picture Houses Ltd v Wednesbury Corp* [1948] 1 K.B. 223 *per Lord Greene M.R.* are unlawful. In the *Wednesbury* case, Lord Greene M.R. provided a non-exhaustive list of administrative shortcomings which would be covered by this notion of unreasonableness. These included: bad faith, dishonesty, attention given to extraneous circumstances, disregard of public policy, wrong attention given to irrelevant considerations and failure to take into account matters which are bound to be considered.
- 18 I submitted that the commissioner decision to retire me without providing reasons as to why he felt it was "in the public interest" to do so and why he felt doing so would "improve the efficiency of the organization" was a decision that no reasonable authority could ever have arrived at.

The Legitimate Expectation Arguments:

- 19 At common law, an individuals' legitimate expectation of the provision of a benefit or advantage to be conferred by a public authority is protected under certain circumstances:
- 20 In *Council of Civil Service Unions v Minister for the Civil Service* Lord Diplock stated that, for a legitimate expectation to arise, the decision:
- "must affect [the] other person ... by depriving him of some benefit or advantage which either (i) he had in the past been permitted by the decision-maker to enjoy and which he can legitimately expect to be permitted to continue to do until there has been communicated to him some rational grounds for withdrawing it on which he has been given an opportunity to comment; or (ii) he has received assurance from the decision-maker that the benefit or advantage will not be withdrawn without giving him first an opportunity of advancing reasons for contending that they should not be withdrawn."
- 21 It is respectfully submitted that on this basis that I had a legitimate expectation that my Permanent and Pensionable contract would be continued as agreed to be transferred to civilian capacity with all rights and privileges therein.

22 I further submit that since no apparent rational grounds for retiring me early pursuant to *Section 20(2) of the Police Law (2006) Revision* or for the discontinuation of my permanent and pensionable contract have to this day arisen, I must be immediately compensated for breach of contract. I have sought countless times to find alternative employment within government as recently as March 2021, without any success.

DEFAMATION:

14. In early October 2011 I finally settled into studying for my LPC in the UK. I started to really enjoy the LPC course. During class group B, session four, I heard two students discussing me being on google. This discussion was very brief and they were just confirming that it was me on the website. The conversation lead me to believe that information was posted on the internet about my personal and professional life. After a break, I immediately searched my name on the infamous Google site. I was not prepared for what I discovered. Someone or group acting together posted contents stating that I was an expert from the Cayman Islands and I was fired for unknown reasons. The postings went as far as stating that I committed dishonesty offenses in the Cayman Islands. I found that my name was included on a criminal Summary Court listing on the Cayman Islands judicial website. The only interpretation someone reading or seeing this would leave viewers with the belief that I had been charged with theft. Needless to say that I was quite shocked by this discovery and I felt confused, distanced and completely detached from the course.

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" the technical team believes that this defamatory search result is the product of a Google algorithm which caused the word theft to be placed next to my name from the embedded PDF document however, we cannot discount the possibility this has been intentionally created by the Cayman Islands Judiciary." [See Schedule 1 para 2 of the letter attached]

I contend that these actions are a fundamental breach of section 9 (1) of my constitutional rights where Government shall respect every person's private and family life, his or her home and his or her correspondence.

Further breaches within the Cayman Islands Constitution Order 2009

16. Section 16.(1), Cayman Islands Constitution Order 2009 government shall not treat any person in a discriminatory manner in respect of the rights under this Part of the Constitution and section 19.(1) all decisions and acts of public officials must be lawful, rational, proportionate and procedurally fair.
17. Further, section 24 of the Constitution states that it is unlawful for a public official to make a decision or to act in a way that is incompatible with the Bill of Rights unless the public official is required or authorised to do so by primary legislation, in which case the legislation shall be declared incompatible with the Bill of Rights and the nature of that incompatibility shall be specified.
18. Given that the Constitution is the supreme legislation in this jurisdiction, which governs all other legislation and each and all creatures of the Constitution as provided for. therein, no primary legislation, let alone subordinate legislation can supplant or displace the rightful enjoyment of livelihood, life and property unless as provided for in the Constitution, otherwise that legislation and any attempted enforcement of it would contravene Section 16 (1), 19 (1), and 24 of the Constitution.
19. I contend that the decision made by the commissioner of police is null and void and has no lawful authority. The decision not to take into account the Police Law was tainted or nullified by illegality, and in doing so breached my Permanent and Pensionable Contract

Damages

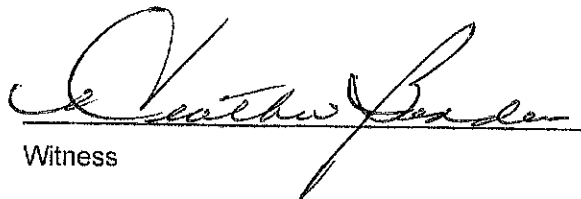
1. General and Special Damages in respect of my premature retirement by the Commissioner of police and the consequential reputational damage, financial loss and hardships and emotional distress that my family and I have endured.
2. As per *McLaughlin v His Excellency the Governor of the Cayman Islands* [2007] U KPC 50, that reinstatement is impossible at this stage. To ensure that justice is done. I accordingly submit that given the unlawful decision of the Deputy and Commissioner of Police and the consequences to the Applicant that this is a case which justifies the award of damages.
3. The Cayman Islands Government owes Andrew A. Miller salary from 2007 at the rate of CI\$59,000 per year until I attain the retirement age of 65 (2032) 25 years, which amounts to CI\$1,475,000 as stipulated by law and post interest
4. General and aggravated and exemplary damages for libel and or slander for malicious falsehood for publishing words of dishonesty on Google the world wide web (www).
5. Such further, consequential and or other relief that is just.

Please provide me with a decision within **ten days time** or make arrangement to meet again.
I look forward in hearing from you.

Sincerely,

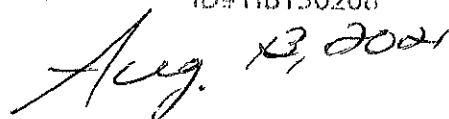


Andrew A. Miller
LLB(Hons), BSc., Dip., Funds, Acc.,Dir.


Witness

HEATHER BODDEN
Justice of the Peace

ID# HB150208



SCHEDULE 1

1. Letter to Premier Hon. Wayne Panton JP, MP dated May 11th, 2021

2. Letter from retired Commissioner of Police Buel Braggs CPM RVM, Hon. W. Panton June 2, 2021

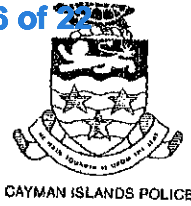
3. Letter to Michael Ebanks HR for Cabinet- from Andrew Miller May 7 2021

4. Letter from Michael Ebanks HR - Andrew Miller April 16, 2021

n Islands

D. : 94222

PF/AM



Commissioner's Office
P.O. Box 909,
Grand Cayman,
British West Indi

14th September, 1984

Andrew Miller,
Cons. No. 218,
c/o Police Headquarters,
George Town,
GRAND CAYMAN.

Dear Sir,

CONSTABLE - ROYAL CAYMAN ISLANDS POLICE FORCE

I am directed to inform you that your appointment as a Police Officer on permanent and Pensionable terms has been approved with effect from the 10th September, 1984 on the following conditions:-

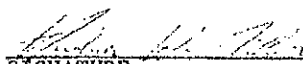
1. Your commencing salary on that date will be \$10848 per annum on Salary Scale P-1;
2. Your appointment will be on two years probation, on the satisfactory completion of which, and subject to fulfilling the requirements of Police Regulations with regards to standards of competence, discipline and proficiency you will be eligible for confirmation in your post as a pensionable officer;
3. Although your normal duties will be those attached to the post designated above, you will be liable to serve anywhere in the Cayman Islands, or carry out any other suitable duties which may be allotted to you.
4. You will, in other respects be subject to Colonial and other Regulations and other terms and conditions of service in force from time to time.

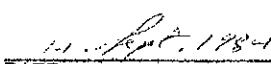
If you are willing to accept the appointment on the terms and conditions set out above, please sign one copy of this letter in the place provided below and return it to me as soon as possible.

Yours faithfully,


MICHAEL ROWLING,
AG. COMMISSIONER OF POLICE.

I accept the offer of probationary appointment made to me on the terms and conditions set out above.


SIGNATURE


DATE

c.c. Chief Secretary
Principal Secretary, (P)
Chief Accountant
Internal Auditor
Budget Officer

Mr. Buel R. Braggs RVM, CPM
#62 Mahogany Way, Prospect Park, Grand Cayman, Cayman Islands

DATE: April 8th, OF 2022

AFFIDAVIT OF BUEL R. BRAGGS RVM, CPM
FORMER COMMISSIONER
OF
THE ROYAL CAYMAN ISLANDS POLICE SERVICES

I BUEL R BRAGGS of sound mind duly sworn make oath and say as follows:

1. I am a retired Commissioner of Police of the Royal Cayman Police Service and resides at the address at #62 Mahogany Way, Prospect Park, Grand Cayman, Cayman Islands.
2. This is to certify that I Buel R. Braggs retired Commissioner of the Royal Cayman Islands Police Service, states that during my tenure I was fully aware that the Scientific Support Branch was in the process of undergoing changes to be civilianized and all staff was to be transferred with all rights and privileges as stated in their contracts.
3. Given that former Detective Sergeant #58 Andrew A. Miller was a Permanent and Pensionable contract officer with government, he was schedule to retire under section 20(2) of the Police Law and section 37(1)(b) of the Public Service Pension Law (2004 Revision) and to be reinstated in a civilian capacity remaining as Deputy Head of Scientific Support Branch.
4. Save as it otherwise appears the facts and matters to which I depose are within my own knowledge and belief and are true and correct to the best of my recollection.

SWORN to at George Town,)
Grand Cayman, Cayman Islands)
This 8th day of April 2022)

BUEL R. BRAGGS RVM, CPM

JUSTICE OF THE PEACE
DERRICK TIBBETTS
Justice of the Peace
ID# DT201112



#62, Mahogany Way, Prospect Park, Grand Cayman, Cayman Islands

**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, PO Box 495G, George Town, Grand Cayman, KY1-1106, Cayman Islands.

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 Plaintiffs 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 overleaf for Notes for Guidance

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 28 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 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.

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

Service of the Writ is acknowledged accordingly

(Signed) _____

Andrew Miller

Plaintiff

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

Andrew Miller
PO Box 30244 SMB
Grand Cayman KY1-1201
Cayman Islands
Aamiller2711@gmail.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.