



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

CAUSE NO. OF 2022

BETWEEN:

PETRONA ALETHIA GORDON

Plaintiff

AND:

THE CAYMAN ISLANDS GOVERNMENT

1st Defendant

POSTMASTER GENERAL

2nd Defendant

ATTORNEY GENERAL FOR THE CAYMAN ISLANDS

3rd Defendant

WRIT OF SUMMONS

To the Defendants:

**The Cayman Islands Government
Government Admin Building
Grand Cayman,
Cayman Islands**

**Postmaster General
General Post Office
14 Edward Street
Grand Cayman
KY1-1100**

**Attorney General for the Cayman Islands
Attorney General's Chambers
4th Floor Government Administration Building
133 Elgin Avenue
George Town
KY1-9000**

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 495 Grand Cayman KY1-1106, Cayman Islands, 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 30th day of November 2022

NOTE – This Writ may not be served later than 4 calendar months (or, if leave is required to effect service outside 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.

CONSISE STATEMENT OF NATURE OF CLAIM

The Plaintiff was at all material times an individual and an employee of the First and Second Defendants from October 2011 until the present date pursuant to an Employment Agreement dated 5 October 2011 (“Employment Contract”). In December 2016, the First and Second Defendants granted a “*pay stagnation increase*” (“Pay Increase”) to various of their employees but did not offer or provide the Pay Increase to the Plaintiff. This failure to offer the Pay Increase to the Plaintiff was (i) in breach of the requirements of the Personnel Regulations (including but not limited to section 47(4) thereof); (ii) in breach of the express terms of the Employment Contract (including but not limited to clause 5 thereof); (iii) in breach of the First and Second Defendants’ implied duty to not act capriciously in relation to pay and to provide a suitable working environment; (iv) in breach of the implied term of the Employment Contract to not act in a manner likely to destroy or seriously damage the relationship of trust and confidence between the First and Second Defendants and the Plaintiff; and (v) contrary to the implied obligation of good faith (together the “Breaches”).

Further, the Plaintiff claims damages and loss in relation to the Breaches including loss of earnings in the estimated sum of CI\$32,431.64 (as of July 2022), plus pension contributions and continuing and Interest pursuant to section 34 of the Judicature Law (as Revised) and Costs.

Priestleys

PRIESTLEYS

Attorneys for the Plaintiff

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.

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1st Defendant

POSTMASTER GENERAL

2nd Defendant

ATTORNEY GENERAL FOR THE CAYMAN ISLANDS

3rd 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.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged and the date upon which the Writ was served.

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 []

Service of the Writ is acknowledged accordingly

(Signed) _____

Attorney for:

Please see 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 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.

PRIESTLEYS
ATTORNEYS-AT-LAW
SECOND FLOOR, CARIBBEAN PLAZA
878 WEST BAY ROAD
PO BOX 30310
GEORGE TOWN, GRAND CAYMAN
CAYMAN ISLANDS, KY1-1202

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]