

CIVIL DIVISION



CAUSE NO: OF 2023

MATTER OF THE PRESCRIPTION ACT (2018 REVISION)

IN THE MATTER OF AN APPLICATION FOR A DECLARATION THAT BEACH ACCESS NS5 IS A PRESCRIPTIVE PUBLIC RIGHT OF WAY PURSUANT TO SECTIONS 4 AND 9 OF THE PRESCRIPTION ACT (2018 REVISION)

BETWEEN: PUBLIC LANDS COMMISSION
PLAINTIFF

AND: GIANLUCA ROMANO
VERONIQUE MARIE-CLAUDE ROMANO
DEFENDANTS

NOTICE OF ORIGINATING SUMMONS

LET THE DEFENDANTS, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495G, George Town, Grand Cayman.

By this Summons, which is issued on the application of the Public Lands Commission, the Plaintiff c/o of the Attorney General’s Chambers seeks the following relief or determination from the Court:

1. That Beach Access NS5 located on Block 57A Parcel 105 is a road, track or pathway over land adjoining or adjacent to the beach commonly known as “Little Spotts Beach” that has been used by the public or any class of the public as a

means of access to the beach with actual interruption for more than twenty years prior to the date of this application.

2. A declaration that the public has an absolute and indefeasible right to use Beach Access NS5 as it is a prescriptive public right of way pursuant to section 4(1) of the Prescription Act (2018 Revision).
3. An order that the Defendants shall ensure public access is restored and maintained to Beach Access NS5 within 7 days.
4. A declaration that the erection of the gate on October 31, 2022 so as to permanently interfere with the public's use of Beach Access NS5 was contrary to the Prescription Act (2018 Revision).
5. And such other Order that the Court deems fit in the circumstances.

If the Defendants do not acknowledge service, such judgment may be given or order made against or in relation to the Defendants as the Court may think just and expedient.

Attorney General's Chambers

Attorney General's Chambers

Dated the 18th day of October 2023.

NOTE - This Summons 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.

No. 9

Acknowledgement of service of originating summons (0.10, r.5)

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS**

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.

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. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. 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.
4. 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 Originating Summons)".
5. 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.
6. 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.
7. 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.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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 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.

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