



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

CIVIL DIVISION

CAUSE NO. \_\_\_\_\_ OF 2024

BETWEEN:

JOSEPH BONSU-AKOTO  
(by Baffour Adusei his Next Friend)

Plaintiff

AND:

KIM AVALON SAMUELS

Defendant

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**NOTICE OF  
ORIGINATING MOTION**

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**TAKE NOTICE** that the Court at the Law Courts, George Town, Grand Cayman will be moved on the \_\_\_\_\_ day of \_\_\_\_\_ 2024 at \_\_\_\_\_ am/pm or so soon thereafter as Counsel can be heard, by Counsel on behalf of the Plaintiff for the following relief:

1. That Cause G 74 of 2024 be set aside as irregular
2. That time for service of this Motion be abridged if need be

And for an order that the costs of and incidental to this Motion be provided for.

AND FURTHER TAKE NOTICE that the grounds of this application are:

1. That there is no Originating Process filed, sealed or served in “Cause 74 of 2024”;
2. That there is a draft *Ex Parte* Originating Summons On Notice with no Cause number filed in Cause 70 of 2024 that was dismissed on 20<sup>th</sup> March 2024;
3. Draft papers filed in one Cause cannot be Originating Process in another Cause that does not yet exist;
4. That in any event no process of any kind with an Acknowledgement of Service Form was ever filed, or served on the Plaintiff herein and
5. That email “service” of anything, on the brother of the Defendant to that “future” cause is not service on the Defendant; and
6. That is especially the case when the Defendant in the “future” Cause is a patient with no Guardian or Guardian *ad Litem* appointed; and
7. That the obligation, to see the Defendant to the future cause represented by a Guardian *ad Litem*, lies upon the Plaintiff to the “future” Cause; and
8. That the process to secure such appointment requires that, the Acknowledgement of Service Form to be served with its Originating Process is filed, and sealed, and real; and
9. That the Plaintiff herein has suffered severe prejudice in that Orders were made in an irregular Cause, over and against his person and estate, without there being regular proceedings filed against him, validly served on him, and then with the necessary Guardian *ad Litem* in place to represent him; and

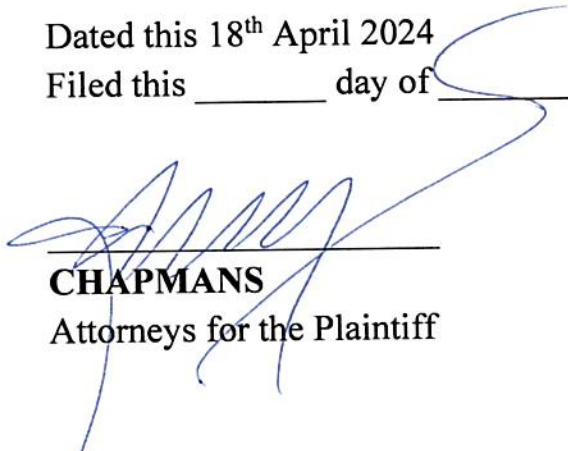
10. That, that is especially so in the circumstances where there are many substantial disputes as to fact, and hotly contested evidence, needing findings of fact [and law as to powers of attorney] such as, *inter alios*:
- a. is the Plaintiff married,
  - b. if so is that marriage being set aside by the Crown as a marriage of convenience;
  - c. does the Plaintiff have a child in Jamaica or is the child a Godson;
  - d. is the Plaintiff lawfully remaining in the Cayman Islands or illegally overstaying
  - e. and/or entitled to remain,
  - f. or is he subject to a deportation order;
  - g. if the latter, does he have a pending appeal ?
  - h. and/or is he on bail?
  - i. is a purported Power of Attorney, granted by the Plaintiff to the Defendant in terms that it only takes effect on incapacity, void in the Cayman Islands because on its express written terms it only comes into effect the moment it is voided by incapacity;
  - j. is the Plaintiff the legal **and beneficial** owner of very substantial real property in the Islands or merely the legal owner;
  - k. is the HSA and the doctor in charge supportive of the actions or non-actions of the Defendant hereto *vis a vis* the care of the Plaintiff when the Plaintiff has long been discharged from the HSA and yet the Plaintiff has been left in George Town hospital cared for daily by the family of Mr

Vincent Frederick, who applied to be Guardian, and whose application was dismissed

- l. are the HSA ,and the doctor in charge, of the view that the medical care the Plaintiff, a Canadian, would receive when repatriated to Toronto, is on a par with Cayman, or better or worse?
  
- m. are the HSA and the doctor in charge of the view that continued costs of care in Cayman is/are free for the Plaintiff hereto, and/or on a par with those under the Ontario Health Insurance Plan [OHIP] rights afforded Canadians in Ontario

Dated this 18<sup>th</sup> April 2024

Filed this \_\_\_\_\_ day of \_\_\_\_\_ 2024



**CHAPMANS**

Attorneys for the Plaintiff

**TO:** The Clerk of the Grand Court

**AND TO:** CP Attorneys for the Defendant Mr Samuels

This Summons is filed by Chapmans, for the Plaintiff whose address for service is Commonwealth House, 81 West Church St., West Bay, Grand Cayman ([ichapman@chapmanslegal.com](mailto:ichapman@chapmanslegal.com))