



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

CAUSE NO. GC OF 2025 ()

BETWEEN:

DIGICEL CAYMAN LTD.

Plaintiff

- and -

(1) THE UTILITY REGULATION AND COMPETITION OFFICE

(2) ATTORNEY-GENERAL OF THE CAYMAN ISLANDS

As the representative of the Cayman Islands Government

Defendants

WRIT OF SUMMONS

TO:

- 1. The Utility Regulation and Competition Office**
3rd Floor, Monaco Towers II
11 Dr. Roy's Drive, George Town
Grand Cayman
Cayman Islands

- 2. The Attorney-General of the Cayman Islands**
Portfolio of Legal Affairs
133 Elgin Avenue, George Town
Government Administration Building, Box 136
Grand Cayman, KY1-9000
Cayman Islands

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 495G, George Town, Grand Cayman, 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 25th day of November 2025

NOTE - This Writ 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.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

See overleaf for particular of Plaintiff's claim

GENERAL ENDORSEMENT

The Plaintiff is Digicel Cayman Ltd., a telecommunications company, organised and carrying on business under the brand name “*Digicel*” pursuant to the laws of the Cayman Islands. The Plaintiff was incorporated on 4 June 2003 with registration number 126232. The Plaintiff’s registered office is c/o International Corporation Services Ltd, Harbour Place, 2nd Floor, North Wing, PO Box 472, Cayman Islands, KY1-1106

The First Defendant is responsible for, *inter alia*, issuing licences in various sectors including with respect to Information and Communications Technology (“**ICT**”) in the Cayman Islands.

The Second Defendant is the Attorney-General of the Cayman Islands in his capacity as the representative of the Cayman Islands Government.

The Plaintiff holds licences in the ICT sector with respect to ICT Networks and ICT Services (the “**Licences**”). Pursuant to the Licence issued to Digicel Cayman Limited under Part III of The Information and Communications Technology Act (2019 Revision) granted by the Defendant on the 1st day of April 2021 as stipulated in condition 3 and Annex 2 of the Licence, the Plaintiff pays a fee to the First Defendant on a quarterly basis comprising:

- i. Six percent of the quarterly revenue of the Plaintiff (the “**Royalty Fees**”); and
- ii. A fee calculated based upon the costs of the Second Defendant (the “**Regulatory Fees**”)

(collectively the “**Licence Fees**”).

The Plaintiff has paid considerable Licence Fees to the First Defendant since the implementation of the ICT (Validation) Act 2024 (the “**Act**”). The Licence Fees were remitted by the First Defendant to the Cayman Islands Government.

With respect to the Regulatory Fees, the Act, by its terms attempts to validate Regulatory Fees up until the commencement of the Act. There is no legislation validating Regulatory Fees subsequent to the commencement of the Act and no legislation validating the Royalty Fees.

The Grand Court in the recent decision *The King v The Utility Regulation and Competition Office*, Kawaley J, 28 August 2025, held that there is no legislative authority for the Defendants to demand, collect or receive the Licence Fees.

In light of the foregoing, the Plaintiff issues these proceedings to preserve its claims and to obtain declaratory relief as to its obligations and the Defendants' powers.

The Plaintiff's claims are for restitution for Licence Fees it has paid to the First and/or Second Defendant when there was no statutory authority to demand collect or receive such fees in respect of the Royalty Fees and Regulatory Fees (subsequent to the commencement of the Act). The mentioned claim for restitution includes claims based upon money had and received/unjust enrichment.

The below table sets out the Licence Fees paid to the First Defendant during the period from 11 May 2025 to 15 October 2025 being the date that the first and last Licence Fee payments were made following the expiration of the Act:

Date of Payment of Licence Fee	Amount of Licence Fee
08 May 2025	CI\$516,410.12
15 July 2025	CI\$515,425.12
15 October 2025	CI\$524,713.05

The Plaintiff further seeks declaratory relief that the Defendants had and have no lawful authority to demand, collect or receive the Royalty Fees; any demand for, or attempt to recover, Royalty Fees is unlawful and of no effect following the commencement of the ICT

(Validation) Act 2024, there is no lawful authority to demand, collect or receive the Regulatory Fees for any period after the commencement of the Act, until lawfully prescribed, and in the absence of such prescription, it shall be deemed unlawful and rendered null and void.

The Plaintiff further seeks interest and costs.

Conyers Dill & Pearman LLP

Conyers Dill & Pearman LLP
Attorneys-at-Law for the Plaintiff

This Writ was issued by Conyers Dill & Pearman LLP, Attorneys-at-Law for and on behalf of the Plaintiff herein whose address for service is Second Floor, SIX, Cricket Square, PO Box 2681, George Town, Grand Cayman, KY1-1111.

IN THE GRAND COURT OF THE CAYMAN ISLANDS

FINANCIAL SERVICES DIVISION

CAUSE NO. GC OF 2025()

BETWEEN:

DIGICEL CAYMAN LTD.

Plaintiff

- and -

(1) THE UTILITY REGULATION AND COMPETITION OFFICE

(2) ATTORNEY-GENERAL OF THE CAYMAN ISLANDS

As the representative of the Cayman Islands Government

Defendants

**ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

If you intend to instruct an Attorney to act for you, give that Attorney 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 the Defendant 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
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2. State whether the Defendants intend to contest the proceedings (tick appropriate box) ☐ YES ☐ NO
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3. If the claim against the Defendants is for a debt or liquidated demand, AND the Defendants do not intend to contest the proceedings, state if the Defendants intend to apply for a stay of execution against any judgment entered by the Plaintiff (tick appropriate box) ☐ YES ☐ NO
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Service of the Writ is acknowledged accordingly

(Signed) _____

[Attorney] for:

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 principal office.

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

Conyers Dill & Pearman LLP SIX, Cricket Square PO Box 2681 George Town Grand Cayman KY1-1111
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Indorsement by the Defendant's Attorney (or by the defendant if suing in person) of his or her name, address and reference, if any, in the box below.

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DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE
OF WRIT 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.
2. After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.
3. A defendant who states in the Defendant's Acknowledgment of Service that the Defendant intends to contest the proceedings must also serve a defence on the attorney for the plaintiff (or on the plaintiff if acting in person).
4. 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.
5. 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.
6. If the Defendant fails to serve that Defendant's defence within the appropriate time, the Plaintiff may enter judgment against the Defendant without further notice.
7. 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 the Defendant intends to apply for a stay, execution will be stayed for 14 days after that Defendant's Acknowledgment, but the Defendant must, within that time, issue a Summons for a stay of execution, supported by an affidavit of the Defendant's means. The affidavit should state any offer which the Defendant desires to make for payment of the money by instalments or otherwise.

See over for notes for guidance

Please complete overleaf

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 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 the Defendant.
3. Where the Defendant is sued in a name different from the Defendant's own, the form must be completed by the Defendant 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 that Partner's name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN THAT PERSON'S OWN, the form must be completed by the Defendant with the addition in paragraph 1 of the description "trading as (.....)" after that Defendant's name.
6. 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.
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.