

Details of why legal aid is needed

1. This is a matter of serious public interest.
2. It concerns an Ex-Parte Originating Summons Cause NO.... of 2019 by the Plaintiff to relocate the public right of way along the southern boundary of Registration Section West Bay Beach South Block.... Parcel.... to be repositioned along the southern boundary of the property. See **Appendix A** the Originating Summons.
3. The right of way to the beach was dedicated for the use of the Caymanian public to have access to the beach and the sea by the previous owners of the property therefore the subsequent owner now takes from the previous owner. This grant of easement is shown as **Appendix B**.
4. The Summons also seeks that the Registrar of Lands shall incorporate into full release of liability of the Plaintiff and its subsidiaries, for any loses, claims, demands or actions, of any kind associated with the use of the right of way. It is believed that the existing wording of the Summons is that the grant of easement may be lost and not incorporated if the access is relocated in terms of the Plaintiff's Summons.
5. In the 2003 and 2017 Beach Access reports the access is shown as registered public access.
6. On the 31st October 2019 the Plaintiff's Ex-Parte Summons was listed for hearing. Members of the Concerned Citizen Group filed a Notice of Intention to intervene on the 30th October 2019. marked **Appendix C**. The Concerned Citizen Group (CCG) is a registered Non Profit Organization which has been protecting beach accesses for quite a number of years.
7. Two members of the group attended the hearing. The matter was adjourned to allow the group to seek legal counsel and to make an application for legal aid with a returnable date for 12th December 2019. **Appendix D** is a copy of the court order.
8. Legal Aid is being sought to deal with the matter to protect the rights of the citizens in the matter to intervene to ensure that all matters in dispute in the cause may be effectually and completely determined and adjudicated upon. In the Cayman case of **Donell v JGM Bank Ltd** the intervening company the Grand Court permitted the Intervener's presence before the Court was necessary to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the cause or matter. It was shown that the presence of the intervener was necessary to settle all the questions between the exiting parties. This case is marked **Appendix E**.
9. Relocating the accesses shall pose a problem to the people of the Cayman and may have many affects if the application is allowed to go on as ex-parte. The access is long established.
10. The application for Legal aid is subject to a public interest matter whereby any relocation shall play a vital role in litigating to protect the rights of citizens in the interest of justice. The relocation of the right of way will be a violation when an indefeasible right of way to the beach cannot be moved, modified or relocated elsewhere.
11. The purpose to Intervene is to underpin a number of core values that the Plaintiff may not have been open and transparent about in the Summons.

12. The CCG seeks to intervene to challenge any inequity that the citizens of the Cayman Islands are likely to lose if the right of way is to be relocated without proper intervention.
13. This application will involve the use of litigation to protect a long established right of way that the Plaintiff is aware of from the date of the purchase of the property. Without proper legal representative on behalf of the citizens the Plaintiff is likely to be at an advantage to be released from full liability for what the citizens could lose if legal aid is not given to protect their rights in this matter. The public interest must be safeguarded.
14. It is clear from the Summons and a legal perspective the CCG will need legal counsel to prepare a detailed legal approach to the matter as it is not a simple matter. Much man hours, general advice, writing letters, negotiating and preparing a written case representation in court, preparing legal documents such as a motion to intervene, affidavits, researching case law, written submissions, seeking no cost orders etc.. Costs t is associated with whatever it takes to resolve the matter. The CCG does not have the funding to be able to protect the interest of the public in this matte and therefore making the application for legal aid.

CCG flows closely of any happening with beach accesses and only became aware of the Plaintiff's application by chance on the Court list.

The group has played such a major role which has forced the government to make an amendment to the Prescription law (2018 Revision).