

**PARTICULARS OF CLAIM**

**IN THE SUPREME COURT OF JUDICATURE OF JAMAICA**

**CIVIL**  
**IN THE ~~COMMERCIAL~~ DIVISION**

**CLAIM NO. Su2023CV02748**

<b>BETWEEN</b>	<b>BARITA INVESTMENTS LIMITED</b>	<b>1<sup>st</sup> CLAIMANT</b>
<b>AND</b>	<b>CORNERSTONE UNITED HOLDINGS JAMAICA LIMITED</b>	<b>2<sup>nd</sup> CLAIMANT</b>
<b>AND</b>	<b>CORNERSTONE FINANCIAL HOLDINGS LIMITED</b>	<b>3<sup>rd</sup> CLAIMANT</b>
<b>AND</b>	<b>PAUL SIMPSON</b>	<b>4<sup>th</sup> CLAIMANT</b>
<b>AND</b>	<b>JASON CHAMBERS</b>	<b>5<sup>th</sup> CLAIMANT</b>
<b>AND</b>	<b>THE GLEANER COMPANY (MEDIA) LIMITED</b>	<b>1<sup>st</sup> DEFENDANT</b>
<b>AND</b>	<b>JOVAN JOHNSON</b>	<b>2<sup>nd</sup> DEFENDANT</b>

1. The 1<sup>st</sup> Claimant, Barita Investments Limited is a company established pursuant to the Companies Act and a securities dealer licensed by the Financial Services Commission with its registered office at 15 St. Lucia Way, Kingston 5 in the parish of Saint Andrew.
2. The 1<sup>st</sup> Claimant, Barita Investments Limited carries on business in the financial sector and directly (or indirectly through subsidiaries) provides services and products which includes the following:
  - stock market investments on the Jamaica Stock Exchange;

- fixed income trading;
  - investment banking services;
  - currency trading;
  - structured products;
  - retirement planning;
  - wealth planning; and
  - market research.
3. The 1<sup>st</sup> Claimant, Barita Investments Limited has a balance sheet of over J\$120 billion, market capitalisation of over J\$90 billion, and assets under management of over J\$330 billion.
  4. The 2<sup>nd</sup> Claimant, Cornerstone United Holdings Jamaica Limited is a company established pursuant to the Companies Act with its registered office at 17 St. Lucia Way, Kingston 5 in the parish of St, Andrew.
  5. The 3<sup>rd</sup> Claimant, Cornerstone Financial Holdings Limited was continued under Barbados law on February 26, 2020 and its registered office is situated at Suite 1, Ground Floor, The Financial Services Centre, Bishop's Court Hill, St. Michael, Barbados.
  6. Both the 2<sup>nd</sup> Claimant, Cornerstone United Holdings Jamaica Limited and the 3<sup>rd</sup> Claimant, Cornerstone Financial Holdings Limited (hereinafter together called "Cornerstone") are private investment holding companies, both sharing the same shareholders and directors with combined balance sheet assets of over US\$800 million as at their most recent fiscal year end. The principal objectives of these two companies are to establish an integrated group of portfolio companies to include financial services entities, to serve customers/clients in the commercial and retail sectors.

7. The 2<sup>nd</sup> Claimant, Cornerstone United Holdings Jamaica Limited owns the entire shareholding in Cornerstone Trust & Merchant Bank Limited, a company established pursuant to the Companies Act and licensed by the Bank of Jamaica as a merchant bank with its registered office at 17 St. Lucia Way, Kington 5 in the parish of St. Andrew.
8. The 3<sup>rd</sup> Claimant, Cornerstone Financial Holdings Limited owns approximately 75% of the shareholding of the 1<sup>st</sup> Claimant, Barita Investments Limited.
9. The 4<sup>th</sup> Claimant, Paul Simpson is a company executive whose title is Group Chief Financial Officer of the 2<sup>nd</sup> and 3<sup>rd</sup> Claimants, Cornerstone United Holdings Jamaica Limited and Cornerstone Financial Holdings Limited.
10. The 5<sup>th</sup> Claimant, Jason Chambers is also a company executive whose title is Chief Investment Officer of the 2<sup>nd</sup> and 3<sup>rd</sup> Claimants, Cornerstone United Holdings Jamaica Limited and Cornerstone Financial Holdings Limited.
11. The 1<sup>st</sup> Defendant, the Gleaner Company (Media) Limited is a company established under the Companies Act with its principal office at 7 North Street in the City and Parish of Kingston.
12. The 1<sup>st</sup> Defendant, the Gleaner Company (Media) Limited is the owner and publisher of the Daily Gleaner and Sunday Gleaner Newspapers. The 1<sup>st</sup> Defendant, the Gleaner Company (Media) Limited also publishes material online including the Daily Gleaner and the Sunday Gleaner. The 1<sup>st</sup> Defendant's, the Gleaner Company (Media) Limited's, online platforms include its website, its social media pages inclusive of Instagram, Facebook

and X/Twitter. The First Defendant's, the Gleaner Company (Media) Limited's, online platforms are hereinafter together referred to as the "Defendant's Online Platforms". The 1<sup>st</sup> Defendant, the Gleaner Company (Media) Limited is a member of the RJRGleaner Communications Group.

13. The 2<sup>nd</sup> Defendant, Jovan Johnson is an employee, servant and/or agent of the 1<sup>st</sup> Defendant, whose place of business is in care of the 1<sup>st</sup> Defendant, the Gleaner Company (Media) Limited. The 2<sup>nd</sup> Defendant, Jovan Johnson is the writer and/or composer of the principal articles referred to in this Particulars of Claim.

14. Between July 30, 2023 and August 20, 2023 the Defendants published a series of articles in the 1<sup>st</sup> Defendant's, the Gleaner Company (Media) Limited's, newspapers and online platforms. These articles were written or composed and also published by the 2<sup>nd</sup> Defendant, Jovan Johnson. The articles by themselves or together are defamatory of the Claimants and/or contain statements which are defamatory of the Claimants.

#### **PARTICULARS OF DEFAMATORY STATEMENTS**

(a) In an article published on July 30, 2023 headlined "*Simpson rejects claim of Fraud in Barita Deal*", the following statements are made inter alia:

- '*Mordecai-Edwards alleged that the transactions done in 2021 "involve some level of deception, coercion, and/or fraud" of Humphries-Lewin...*'

- *'Mordecai-Edwards also questioned the documentation used in the transactions and suggested that her aunt did not sign the letters of authorisation'*
- *'The attorney contended that the letters had a total sale price of US\$15 million for the Cornerstone transaction, but shares of a value up to approximately US\$18.9 million were sold, resulting in a difference of close to US\$4 million'*
- *'She also alleged that Humphries-Lewin was taken advantage of in the Cornerstone deal, claiming that her aunt paid US \$10.80 per share at a time when existing shareholders paid US \$1.40 per share.'*

(b) In an article published on August 13, 2023 headlined "*Barita – Cornerstone saga spawns more cases*" the following statements are made inter alia:

- *'Rita Humphries-Lewin's dementia had so worsened up to January 2023 that the 87-year-old respected Jamaican businesswoman reportedly could not even recall the word 'Barita'-the name of the investment company she established more than four decades ago''.*
- *'The Financial Investigations Division (FID) says there may be "some merit" to a claim that Humphries -Lewin was pressured to spend \$2 billion to buy the shares and that her signature was forged.'*

- *'Mordecai-Edwards claims that her aunt did not have a lawyer and that Cornerstone took advantage of the elderly woman because around the same time as the deal, it sold shares at a far lower price of US \$1.40'.*
- *'She accused Cornerstone of "the intentional targeting of Rita Humphries-Lewin in a transaction which was clearly designed to exploit her"'*.

(c) In a second article published on August 13, 2023, headlined *"The key players in the Barita/Cornerstone controversy"*, the following statement is made inter alia:

- *'Attorney Deborah Mordecai Edwards has alleged that Cornerstone and two of its top executives – CEO and Founder Paul Simpson and Chief Investment Officer Jason Chambers – used "some level deception, coercion and/or fraud" to get her aunt to sell shares in Barita Investment Limited to pay for the acquisition of 1.4 Million Shares in Cornerstone in 2021'.*

(d) In an article published on August 15, 2023, on the 1<sup>st</sup> Defendant's Online Platforms Headlined *"Financial Services Commission investigating Barita-Cornerstone Saga"* the following statements are made inter alia:

- *'The Financial Services Commission (FSC) has opened an investigation into allegations that retired 87-year-old businesswoman Rita Humphries-Lewin who is reportedly battling*

*dementia, was pressured to spend \$2 billion to buy shares in investment firm Cornerstone’.*

- *‘The FSC, which did not say when it started its probe, is the government entity that regulates investment houses including Barita Investments Limited, the publicly listed Cornerstone company at the centre of the controversy’.*
- *‘In a statement, the FSC said it is aware of a complaint by Deborah Mordecai Edwards, Humphries-Lewin’s niece, who has alleged that Cornerstone and two of its top executives used “some level of deception, coercion and/or fraud” to get her aunt to sell J\$2 billion (US\$15 million) worth of shares in Barita to acquire stocks Cornerstone in 2021’*
- *‘ “Our internal processes to treat with this matter have been engaged and policy dictates provide that we cannot provide further comments at this time,” the FSC told the Gleaner’.*

15. Further on August 15, 2023, the Defendants published an article on the 1<sup>st</sup> Defendant’s, the Gleaner Company (Media) Limited’s, Online Platforms entitled *“Financial Services Commission engages ‘internal processes’ in Barita-Cornerstone saga”*. In that article, the following statements are made inter alia:

- *‘The Financial Services Commission (FSC) says it has engaged its “internal processes” in response to its awareness of allegations that retired 87-year-old businesswoman Rita Humphries-Lewin who is reportedly battling dementia, was pressured to spend \$2 billion to buy shares in investment firm Cornerstone’*

- *'In a statement the FSC said it is aware of a complaint by Deborah Mordecai Edwards, Humphries-Lewin's niece who has alleged that Cornerstone and two of its top executives used "some level of deception, coercion and/or fraud" to get her aunt to sell J\$2 billion (US\$15 million) worth of shares in Barita to acquire stocks Cornerstone in 2021.'*
- *'Mordecai Edwards wrote the authorities in March 2022 claiming that her aunt was diagnosed with dementia in 2019 and Simpson and Chambers were aware; she did not have a lawyer, and that around the same time as the deal Cornerstone sold shares at a far lower price of US\$1.40'.*

16. The article referred to in paragraph 13 above was published by the Defendants purportedly by way of an amendment to the article referred to at paragraph 12(d) above and in this regard the article also contains:

- *Editor's note: 'A previous version of this story said the FSC opened an investigation into the Barita-Cornerstone matter. However, the FSC, in fact, said that it has engaged its "internal processes" in response to its awareness of a complaint. The FSC was responding to questions asked by The Gleaner'.*

The purported amendments failed entirely or substantially to ameliorate or diminish the damage to the Claimants caused by the earlier article and the amended article itself contains defamatory material. Further, the 1<sup>st</sup> Defendant's, the Gleaner Company (Media) Limited's, editor's note was published with such lack of prominence



that it is very likely that it would have been overlooked by the majority of persons reading the said article and as a consequence, any value the said editor's note may have had was effectively muted. The 1<sup>st</sup> Defendant's, the Gleaner Company (Media) Limited's, note is valueless and serves no useful purpose.

17. The Defendants, in publishing the first article headlined "*Financial Services Commission investigating Barita-Cornerstone Saga*" caused or encouraged persons to make or publish statements and/or facilitated those persons to make/or publish statements which were false and defamatory of the Claimants. These statements were published on the 1<sup>st</sup> Defendant's Online Platforms and the Defendants are the publishers of these statements.

### **PARTICULARS OF STATEMENTS**

(a) Instagram

@Jessie123522:

- *"This nuh look good for Barita, Cornerstone and even the FSC themselves. All eyes are on the financial players from SSL saga wi nuh trust none a unoo. Even when you might be innocent the credibility is distorted and can never be fixed. Nuh matter how much PR you do, the handling of money will cause anyone to have a third eye on all of you".*

@Insta\_gram\_joie:

- *“Just as how it “had” investigated SSL? 🤔”*

@n\_ee\_k\_a

- *“Here we go again 🤔, no sah!”*

@kanye\_wint

- *“So basically Paul Simpson, her protege, stole the lady’s money when she was going up in age in order to makes his own company. These young guys really wicked”*

@firestick\_joyce

- *“These people investigate nothing because they are all the same, but time is the MASTER”*

@walkerblandeen

- *“A puppa jeezas case this and kama”*

@homergirlbadest

- @iamandrestephens

(b) X/Twitter

Sound Chat Radio @IrishandChin

- *“What will really come of this, similar to the SSL debacle?”*

Jack Mandora @Zemi66

- *"This is quite a curious case! \$10.80 is a far cry from \$1.40 for the same product, bought within the same timeframe. But it is the husband's role which is most curious. Why wasn't he originally the guardian/power of attorney? Is he okay himself? Did he disclose all he knew then?"*

♀ ✨ @M\_Sceptre

- *"Tricked"*

Watch your step! Heavy Wrath! (Champagne Papi)

@MarqusPinnock

- *"No Comment!"*

Fabover20 @Over40nfab

- *"The law or karma will settle this, someday"*

18. The article referred to at paragraph 12(d) has been purportedly removed by the Defendants from the 1<sup>st</sup> Defendant's, the Gleaner Company (Media) Limited's, Online Platforms but nevertheless the article and in particular the headline to it – *"Financial Services Commission investigating Barita-Cornerstone saga"* still has a footprint on the internet which can be seen when Barita is searched for via sites such as Google, resulting in continuing damage to the Claimants. The original article was published at or around 11:30 a.m. and remained accessible on the 1<sup>st</sup> Defendant's

Online Platforms for several hours and was therefore given significant publication to the world at large.

19. The articles, statements and comments set out at paragraphs 12-16 herein, referred to and were understood to refer to the Claimants, particularly that the articles, statements and comments contained material naming the Claimants in which the Claimants were expressly identified, referred to and/or the Claimants' Senior Executives were identified and/or referred to. Further or in the alternative, the Claimants are identified by the context and circumstances of the publication of the articles, statements and comments and/or the context or circumstances set out in the said articles, statements and comments.

20. In their natural and ordinary meaning and/or by way of innuendo the statements, comments and/or articles set out at paragraphs 12-16 hereof meant and were understood to mean that the Claimants, their servants and/or agents:

- are dishonest;
- acted fraudulently and/or guilty of misrepresentation;
- took advantage of a vulnerable person;
- acted unfairly, unconscionably and unjustly with respect to an aged person and/or person mentally unsound;
- is untrustworthy; engaged in underhanded and unsavoury business practices warranting investigation by the FSC;
- are under investigation by the FSC because of their engagement in practices or undertaking of activities that may be questionable and/or underhanded and require scrutiny by the regulator;

- operate businesses that cannot be trusted, are disreputable and unsound.

21. The said statements, comments and/or articles were made maliciously, are false and are defamatory of the Claimants. They have caused or are likely to cause serious harm to the Claimants, the Claimants' businesses and reputation especially within the context of the nature of the businesses conducted or operated by the Claimants which relies on their clients and others being able to have trust and confidence in how the Claimants conduct their businesses.

22. By way of aggravated/ exemplary damages, the Claimants will rely on the publication made on the Defendants' Online Platforms which is designed to enhance worldwide coverage and thus, to increase the Defendants' profits. Further, some or all of the articles, comments, statements are to date being maintained on the 1<sup>st</sup> Defendant's Online Platforms and maintains an internet footprint.

23. Unless restrained by this Honourable Court, the Defendants or each of them will further publish or cause to be published the said or similar statements, comments and/or articles defamatory of the Claimants.

**AND THE CLAIMANTS CLAIM:**

- (1) Damages for defamation/libel including aggravated and exemplary damages;
- (2) Interest at such rate as this Honourable Court determines;

- (3) An injunction restraining the Defendants, whether by themselves their servants, agents or otherwise and in particular the 1<sup>st</sup> Defendant, whether by its officers, directors, servants, agents or otherwise from further publishing or causing to be published the said or similar statements, comments and/or articles defamatory of the Claimants;
- (4) Costs;
- (5) Any or other further relief this Honourable Court deems just.

I, **MARK MYERS**, Chairman of the 1<sup>st</sup> and 2<sup>nd</sup> Claimants and Director of the 3<sup>rd</sup> Claimant certify on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Claimants' behalf that all facts set out in this Particulars of Claim are true to the best of my knowledge, information and belief.

Dated the 1<sup>st</sup> of September 2023

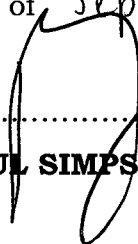


.....  
**MARK MYERS**

*for and on behalf of Barita Investments Limited, Cornerstone United Holdings Jamaica Limited and Cornerstone Financial Holdings Limited.*

I, **PAUL SIMPSON**, certify that all the facts set out in this Particulars of Claim are true to the best of my knowledge, information and belief.

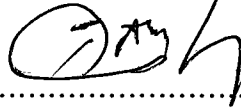
Dated the 1<sup>st</sup> of September 2023



.....  
**PAUL SIMPSON**

I, **JASON CHAMBERS**, certify that all the facts set out in this Particulars of Claim are true to the best of my knowledge, information and belief.

Dated the 1<sup>st</sup> of September 2023



.....  
**JASON CHAMBERS**

**SETTLED BY:**

**RANSFORD BRAHAM K.C. IN CONSULTATION WITH CHRISTINA THOMPSON**

**BRAHAMLEGAL**

**ATTORNEYS-AT-LAW FOR THE CLAIMANTS**

**PER:** C. Thompson

**CHRISTINA THOMPSON**

**Filed by** BRAHAMLEGAL of Suites 1 & 2, 32 Lady Musgrave Road, Kingston 5, Attorneys-at-Law for and on behalf of the Claimant whose address for service is that of their said Attorneys-at-Law. Telephone 876-927-9061. Email: [ransford.braham@braham.legal](mailto:ransford.braham@braham.legal).