



No. 1  
Plaint



IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC 143 of 2018

**BETWEEN:**

CAYMAN POWER SPORTS AND MARINE

Plaintiff

**AND:**

JOHN OSWALD MCLAUGHLIN

Defendant

To the Defendant

NORTH CHURCH ST., #12 SHADOW LANE  
GRAND CAYMAN  
CAYMAN ISLAND



THIS PLAINT 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 service of this Plaintiff on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO Box 495GT, George Town, Grand Cayman, the accompanying Acknowledgment of Service form stating therein whether you intend to contest this action. If you intend to defend the action in whole or in part you must set our **full particulars of your defence** in the space provided in the Acknowledgement of Service form.

**If you fail** to satisfy the claim or fail to return the Acknowledgement of Service form containing full particulars of your defence, the Plaintiff may apply for a **default judgment** without any further notice to you.

Issued this 5 day of July 2018

See overleaf for particulars of the Plaintiff's claim

## PARTICULARS OF CLAIM

1. 19 June 2018 was done job for inspection and engine repair for Defendant. Repair order # 1018 with the summary amount of \$1932.83
2. Defendant refuse to pay his invoice with argument that Plaintiff took a long time to repair Defendant engine. From the beginning Defendant hid the original problem of the engine and didn't provide write information, that is why it's took that long time. Plaintiff tried explain it to Defendant to fix argument and even gave to Defendant discount and reduce the summary amount by paying for some of the parts and lower the amount of invoice for \$ 512.12 , so the total became \$ 1420.71. Defendant accusing Plaintiff and refuse to pay invoice.
3. Plaintiff tried to solve the problem without court and told to Defendant, that if he is not happy with service Plaintiff can take out back all the part, which was installed by Plaintiff. Unfortunately, Defendant doesn't want to return the parts and doesn't want to pay for the service.

AND the Plaintiff claims:

- (1) The sum of \$ 1420.71
- (2) Interest to continue until this matter is settled.
- (3) Process server fees \$125.00 Filing Fees \$25.00 Fixed costs of \$175, alternatively costs to be assessed.
- (4) Total cost \$1745.71



Plaintiff's Signature

PO Box 31189

Grand Cayman KY1-1205

Cayman Islands

Phone# 13459432005

Email: service@cpsm.ky

No. 2

**Acknowledgment of Service**

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC \_\_\_\_\_ of 20\_\_

**Between:**

*Cayman Power Sports and Marine*

Plaintiff

**AND:**

*John Oswald McLaughlin*

Defendant

ACKNOWLEDGMENT OF SERVICE

1 State Defendant's name and address -

2 State whether the Defendant intends to contest the action.

Yes

...No

3 If you do not intend to contest the action, do you want time in which to pay the claim?

Yes

No

4 If you do not intend to contest the action in whole or in part, you must set out full particulars of your defence overleaf.

**Service of the Plaint is acknowledged accordingly.**

\_\_\_\_\_  
Defendant's Signature

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

**See Overleaf**

## PARTICULARS OF DEFENCE

(Here set out in numbered paragraphs, the grounds upon which the Defendant says that he is not liable to the Plaintiff, or is not liable for the full amount claimed).

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Defendant's Signature

**REMINDER:** This form must be taken or sent to the Court Office, PO Box 495GT, George Town, Grand Cayman within 14 days of receipt. Otherwise, a default judgment may be entered against you.



25 June 2018

To: JOHN MCLAUGHLIN

## Notification

Dear John McLaughlin, Cayman Power Sports and Marine informing You about Your outstanding balance for Repair order # 1018 with the summary amount of \$1932.83.

Please note: that from the beginning amount of the Repair order # 1018 suppose to be more, but Cayman Power Sports and Marine gave You a big discount and didn't include in the Repair Order # 1018 most of labour hours. Also, Cayman Power Sports and Marine reduce the summary amount by paying for some of the parts and lower the amount of invoice for \$ 512.12 , so the total became \$ 1420.71.

Cayman Power Sports and Marine kindly asking You to pay Your outstanding balance during 48 hours (after received this notification), otherwise Cayman Power Sports and Marine will submit a claim to court.

A blue ink handwritten signature, appearing to be "A. Smith", is written above a horizontal line.

Cayman Power Sports and Marine

PO Box 31189

Grand Cayman KY1-1205

Cayman Islands

Phone# 13459432005

Email: service@cpsm.ky

A large blue ink handwritten signature, "John McLaughlin", is written across the bottom right of the page. Above the signature, the words "Received By" are written in a similar blue ink.

Cayman Islands Grand Cayman  
3# Selkirk plaza, 80 Westbay Road  
P.O. Box 31189 KY1-1205

To: Cayman Power Sport & Marine

The Cost forgone due to the "No Stress" Vessel amounts to KYD \$11580 (100 per Day not including Weekends and days for maintenance for 9 months). This forgone lost was directly brought about by the Boat being in prolonged maintenance.

The estimated time and cost for maintenance was grossly understated. This counts as taking advantage of a Senior citizen Seaman. Meaning, (Quote# 713, 3793) KYD \$918.69 for 9 and a half hour's work for two people on a Boat engine is more acceptable than 9 Months for KYD 1420. I shouldn't be charged for your lack of performance on your part. As per conversation, I have retrieved the Vessel "No Stress".

If it had been known that I would be charged this amount I would not in good judgment continue with your services. As a middle ground, I was willing to pay both quotes (Quote# 713, 3793) amounting to KYD \$918.69 and you refused. In the vent you continue with the threat of suing, I will counter sue for the above mention cost forgone.

Regards



John Oswald McLaughlin

Cayman Islands, Grand Cayman  
North Church Street, 12# Shadow Lane

26 June 18



#3 SELKIRK PLAZA, 80 WESTBAY ROAD.  
 P.O BOX 31189 GRAND CAYMAN KY1-1205  
 CAYMAN ISLANDS  
 PHONE: 345-943-2005

<b>CUSTOMER</b> JOHN MCLAUGHLIN  Cayman Islands (345) 9179645	<b>SERVICE WRITER</b> -	<b>SERIAL #</b> 011712-2	<b>HOURS IN</b> 0	<b>HOURS OUT</b> 0	
	<b>SALES TYPE</b> Regular or Over the Counter	<b>TAG NUMBER</b>	<b>PERMIT</b>	<b>TERMS</b> COD	<b>CUSTOMER PO</b> -
	<b>YEAR / MAKE / MODEL</b> 2012 / SUZUKI / DF90ATL		<b>TAX CODE</b> TAX	<b>PROMISED DATE</b> 6/19/2018	

T	Req	Fill	OEM	Item	Description	Bin	Your Price	Amount	W	Stat
I	1.00	1.00	SUZUKI MAR	16510-61A31	FILTER ASSY,OIL DF70A-90A MY 11=> & DF115A, DF1140A		22.08	22.08	N	P
I	1.00	1.00	SUZUKI MAR	11141-87L00	GASKET,CYLINDE		90.46	90.46	N	P
I	1.00	1.00	SUZUKI MAR	51211-87L10	GASKET, ENGINE		51.37	51.37	N	P
I	1.00	1.00	SUZUKI MAR	15410-87L00	FILTER COMP,FUEL DF70A 80A 90A	PR-F	18.45	18.45	N	P
I	1.00	1.00	SUZUKI MAR	15410-87J00	FILTER ASSY,FUEL		47.35	47.35	N	P
L	13.00	13.00		1126	LABOUR		65.00	845.00	N	
L	13.00	13.00		1123	Technician Assistant		22.00	286.00	N	
I	1.50	1.50	SUZUKI MAR	990C0-10W40-DRU	Suzuki 10W40 Marine Engine Oil GAL (DRUM)		40.00	60.00	N	P
I	16.00	16.00	SUZUKI MAR	09289-05012	SEAL,VALVE STE		5.30	84.80	N	P
I	4.00	4.00	SUZUKI MAR	12140-87L01	RING SET,PISTO		62.60	250.40	N	P
I	1.00	1.00	SUZUKI MAR	15760-87L00	REGULATOR ASSY		176.92	176.92	N	P

**Estimated**

Initial: \_\_\_\_\_

Final: \_\_\_\_\_

**Totals**

Item	801.83
Fee	0.00
Labor	1,131.00
Kit	0.00
Misc	0.00
<b>Subtotal</b>	<b>1,932.83</b>
Shop Fees	0.00
Shipping	0.00
Sales Tax	0.00
<b>Total Due</b>	<b>1,932.83</b>
<b>Total Paid</b>	<b>0.00</b>
<b>Balance Due</b>	<b>1,932.83</b>

Tracking No. \_\_\_\_\_

**Tax Authority Details**

Authority Code	Amount
NT	0.0000
TAX	0.0000

**Payment Details**

Type	Amount	Payment Date

**Misc Charges**

Name	Amount	Tax
Hazardous Disposal Fees	0.00	0.00
Shop Fees	0.00	0.00
Sublet	0.00	0.00
Misc. Fees	0.00	0.00
<b>Total</b>	<b>0.00</b>	<b>0.00</b>

**Service Requested**

Date: 15 nov 2017

WO# 2790

## Engine inspection

- removal of engine Power Head
- disassembled cylinder head
- de-salt & cleaning of engine block and cylinder head
- rebuild of engine

installed cylinder head

- installation of power head and electricals

\* replaced the following parts

- base gasket : oil filter
- cylinder head gasket : low pressure filter
- oil seal : high pressure filter
- replaced engine oil
- changed engine oil drain plug gasket
- test & run engine at idle RPM

## Rough idle

- cleaned IAC valve
- cleaned throttle body
- performed sea trial in Barcadere

Engine low power 3000-4000 RPM only

- cleaned VST & fuel injectors ( Dirty VST & injector filter)
- performed sea trial in pablos still same result. engine low power

\* injectors was cleaned by auto

- performed sea trial in lobster pot with John. M RPM reached 3000 RPM
- no fault code present

## Repair Order Recommendation

THANK YOU FOR YOUR BUSINESS

**Disclaimer:**

EMISSION WAIVER: I understand that I have the right to have emission service and/or adjustments done elsewhere.

I hereby authorize the above repair work to be done along with the necessary material and hereby grant you and/or your employees permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above vehicles to secure the amount of repairs thereto. Not responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft, or any other cause beyond our control.

X \_\_\_\_\_