

No. 1
Plaint



IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC 206 of 2018

BETWEEN:

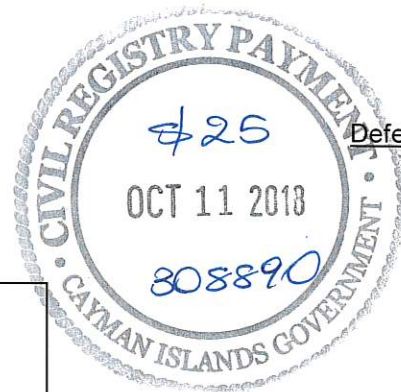
BEN WHITTY

Plaintiff

AND:

CHARLENE McLEAN

Defendant



To the Defendant

Address not presently known

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 out **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 11th day of October 2018

See overleaf for the particulars of the Plaintiff's claim

PARTICULARS OF CLAIM

(Here set out in numbered paragraphs the grounds upon which the Plaintiff claims the Defendant is indebted to him or is liable to pay damages to him)

1. On the 10th April 2018, the defendant made a request of the Plaintiff via WhatsApp for the loan of CI \$450 for the purpose of funding a trip to the Dominican Republic.
2. The Defendant confirmed that she was awaiting a cheque from her insurance company and that the funds would be repaid upon receipt of same.
3. On the 11th April the Plaintiff provided the Defendant with \$425 in cash before departing for her trip later that day.
4. On the 4th May the Defendant confirmed that the insurance cheque had been received and that the Plaintiff could recover the outstanding the amount on Monday 7th May. The Defendant was made aware that the Plaintiff would be leaving the island for an extended period of 19th May 2018.
5. A number of appointments that were then scheduled for the return of the money were not honoured by the Defendant, including on 6th and 8th May 2018.
6. The Plaintiff subsequently agreed to delay repayment until the end of July 2018 and provided the Defendant with his bank details as he would be off-island at the time. The Defendant assured the Plaintiff that payment in full would be made by the end of June 2018.
7. An agreement to make the repayment on 3rd July also went dishonoured. Since that date, the defendant has refused to respond to the Plaintiff's phone calls and messages.
8. All of the foregoing is supported by WhatsApp and Instagram communications between the parties, which are attached.

AND the Plaintiff claims:

- 1 The sum of \$425.
- 2 Interest in the sum of \$5.05 calculated at the prescribed rate from 11th April 2018 to date.
- 3 Fixed costs of \$25, alternatively costs to be assessed.

A handwritten signature in black ink, appearing to be 'B. Smith', written above a horizontal line.

Plaintiff's Signature

Plaintiff's address for service

Samson Law Associated, 4th Floor Harbour Centre, 42
North Church Street, George Town, P.O. Box 2255, KY1-
1107, Grand Cayman CAYMAN ISLANDS

No. 2

Acknowledgment of Service

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC of 2018

Between:

BEN WHITTY

Plaintiff

AND:

CHARLENE MCLEAN

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 intend to contest the action, in whole or in part, you must set out full particulars of your defence overleaf.

Service of the Plaintiff 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)

Defendant's Signature

REMINDER – This form must be taken or sent to the Court Office, PO BOX 495, Grand Cayman KY1-1106 Cayman Islands within 14 days of receipt otherwise a default Judgment may be entered against you.