

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN GRAND CAYMAN
MATRIMONIAL CAUSES REGISTRY



CAUSE NO. 302 OF 2018

BETWEEN: MARIA ESTELA SARMIENTO LOBO

PETITIONER

AND: OWEN RICHARD DINNALL

RESPONDENT

PETITION FOR DISSOLUTION OF MARRIAGE

THE PETITION OF MARIA ESTELA SARMIENTO LOBO shows:-



1. That I met the Respondent at my workplace in Grand Cayman, in 2015.
2. That at the time that the Petitioner was lawfully married to the above Respondent the marital status of the parties was as follows-
3. **MARIA ESTELA SARMIENTO LOBO– SPINSTER**
4. **OWEN RICHARD DINNALL– DIVORCED**
5. That following the celebration of the said marriage, the parties have lived and cohabitated at the following place(s):-
6. (a) 109 Rosedale Gardens, George Town, Grand Cayman.
7. That this Honourable Court has jurisdiction in the above cause by reason that the Petitioner has been domiciled in these Islands for more than one year of the presentation of this petition.
8. That since the celebration of the said marriage, the same has irretrievably broken down due to the intolerable behavior demonstrated by the Respondent, towards the Petitioner.

PARTICULARS OF BEHAVIOUR

- (i) That shortly after their initial meeting the Respondent and Petitioner started dating. The Petitioner moved into the Respondent's house as per their mutual agreement, and were happy and used to get along very well. The Petitioner then became pregnant and things started to change. The Respondent told the Petitioner then, that he was

selling the house that they were currently living in, but the Petitioner noticed that the Respondent started selling everything that was in the house; such as furniture and appliances.

- (ii) The Respondent then told the Petitioner, that they needed to rush to get out of the house as he had sold it, however the Petitioner later came to discover, the truth was that the Bank had foreclosed on the house, and at that time; they had already taken the Respondent's car. The Respondent had previously told the Petitioner, that he had given the car to a mechanic; since it wasn't any good and unrepairable.
- (iii) The Petitioner realizing that they had to find a place to move into and quickly, and in her desperation to help the Respondent, she asked her sister and her sister's husband, to allow them to stay in their home for few days; to which they agreed t.
- (iv) Shortly after, the Petitioner and Respondent found a place by 109 Rosedale Gardens and moved in to an apartment there. That was when they decided to get married and the Petitioner was approximately six (6) months pregnant at the time. The Petitioner was of the view that she and the Respondent could work out the issues and move on but instead, the Respondent started staying out late, drinking and partying, not arriving home until 3, 4 or 5am next day; while the Petitioner would stay home by herself.
- (v) The Petitioner confronted the Respondent on occasions, in relation to the Respondent not providing food in the house for her to eat and also for not spending time as a family with the Petitioner however; things would just continue the same way and got progressively worse. In fact, the Respondent intensified his staying out late, particularly on Saturdays, Sundays and even holidays.
- (vi) The Petitioner continued to confront the Respondent for this behavior and he would claim, that he was at meet and greet sessions with clients, as this was part of his job, but it became apparent to the Petitioner, that this was obviously not the truth, as the Respondent would come home smelling of alcohol; along with obvious signs of lipstick stains on his shirt.
- (vii) This behaviour on the part of the Respondent, was emotionally disturbing to the Petitioner and as a result, led to frequent arguments between them. On occasions the

Respondent used violence against the Petitioner at which times, the Petitioner was physically beaten, for confronting the Respondent in relation to these "so called business meetings"; that the Respondent stated were the reasons for his coming home at the hours that he did. On at least three (3) occasions the Police were called and always when they arrived, the Petitioner was made to feel that she was the aggressor and no Police action was taken against the Respondent.

- (viii) On one occasion, the Respondent called the Police, and the officer who attended, was the Respondent's friend. The Petitioner was left feeling intimidated by him, because of the fact that; the Respondent and the Police Officer were friends.
- (ix) Following the birth of their daughter Jaslyn Dinnall (the "Child"), things got worse between the Petitioner and the Respondent, resulting in, many occasions that the Petitioner had to beg the Respondent, to buy milk, pampers or distilled water for the Child, and he would only buy them, when he felt like and would sometimes, not bring it until the next day; as he would continue to stay out before coming home with the requested items.
- (x) The Respondent had also developed the habit of going to the supermarket and bringing a small portion of grocery items home, that would not last for very long. If it wasn't for the Petitioner's sister, her husband, and the Petitioner's friend, the Child and Petitioner would have starved, as the Respondent went from buying small portions of groceries, to buying nothing at all; and barely would he buy the Child's milk, pampers and distilled water. There were occasions that the Petitioner and the Child did not even have soap to wash the Child's bottles, dishes, their bodies and clothing.
- (xi) The Respondent at that time, had shared custody of his two daughters from his previous marriage and he got them every other weekend. The Respondent would pick them up, and carry them to the apartment he shared with the Petitioner, then get himself dressed and go out for the night, leaving them in care of the Petitioner. The Petitioner had no issue with caring for the girls, but the Respondent would, as had become his common behavior; not return until 4am or 5am the following morning.
- (xii) This further led to continuous arguing and bickering, between the Petitioner and the Respondent, which most of the times, got physical. The Respondent continued to be

neglectful of his obligations to the Child, even going so far as not processing the Child's passport, in order that the Petitioner could go to visit her relatives overseas. Despite several pleas made to him by the Petitioner, he persistently refused to do so.

- (xiii) The Petitioner on several occasions, begged the Respondent to just divorce her, but this also he refused to do, and by so doing, added to her emotional pain and trauma, as his behaviour worsened towards the Petitioner; whenever she repeated that request to the Respondent. The Respondent, was also always, telling the Petitioner to go back to Honduras and "sell" herself to survive, as well as telling the Petitioner that she was stink, and a no good bush girl; but he would not grant her a divorce.
- (xiv) For the Petitioner, this constant unacceptable behavior by the Respondent continued to spiral out of control, to the extent that both the Respondent and Petitioner were arrested on one occasion, following upon a call being made to the Police; after they both had come to blows and a violent physical interaction at their apartment.
- (xv) The Petitioner is of the view that she can no longer tolerate the Respondent's mean and aggressive behavior, especially to the Child, who has witnessed the physical assaults against the Petitioner at her very early age, and because of which the said Child has become traumatized, to the extent that if she hears someone's voice raised; she starts crying immediately.
- (xvi) That the most recent demonstration of unacceptable behavior by the Respondent occurred, when he travelled to Miami Florida; as he had done so very frequently over time. On that last occasion however, the Respondent was gone for four (4) days, leaving the Petitioner, with no water in the house, no pampers and CI \$25 to buy those items as well as food; for the Petitioner and Child to eat. The Petitioner has become ashamed and tired of begging her sister and friend for money to buy food, water and baby formula; as well as tired of the constant physical and mental abuse from the Respondent.
- (xvii) The Respondent earns a salary of approximately \$5500.00 per month, and yet he finds it hard and refuses; to buy necessities for the Petitioner and Child on time.
- (xviii) The Respondent also failed to assist the Petitioner with making payments for the Petitioner's son's School Payment Plan, as it relates to his school fees and snacks

expenses in Honduras. Because the Petitioner was unable to work at the time, she had been relying on the Respondent's assistance, and again, it was the Petitioner's sister; that had to take on the responsibility of covering the Petitioner's sons schooling expenses.

- (xix) In the month of May of the year 2017, the Respondent told the Petitioner to move out the matrimonial home and **"go live with your sister"** as the **"landlord has gotten enough complaints and have asked us to leave"** The Petitioner did not believe this to be true, but saw this an indication of how badly the Respondent wanted her and the Child to be out of his life. The Petitioner then took the decision to ask a friend Danika, to help her, by allowing the Petitioner and her daughter, to stay with her in a very small room at Windsor Lakes; while the Respondent found a place to live by himself.
- (xx) Because the room where the Petitioner's friend was living was too small, the Petitioner moved to another place that was offered by another very close friend of Danika rent free, and the Petitioner and Child stayed there for almost two months, while at the same time continuing to beg the Respondent, to please find the place, that he had promised for the Petitioner and Child to live.
- (xxi) The Petitioner asked the Respondent to, in alternative, allow her to have the Child's passport processed, so that the Petitioner could go home to Honduras, since the Petitioner was unable to work, because of her then legal status on the Island. The Petitioner asked her sister to help her find a place to rent while the Petitioner kept begging the Respondent for the rent and deposit, to make this a reality. The Petitioner eventually found an apartment in Prospect, and invited the Respondent to go and see it, as well as producing to him, the rental agreement at which point; he finally accepted to pay for the rent.
- (xxii) The Petitioner commenced living in that apartment, but for a period of only three months, as the Landlord kept raising the rent each month. Again, the Petitioner was forced to move, but around that same time, she was granted Residency with the Rights to Work. This was in August of 2017, however, the Petitioner had an emergency and had to rush home to Honduras, to renew her passport as well as to seek medical assistance for removal of gallbladder stones, which she would not have been able to access here; due to her not having money or assistance to pay for that medical treatment.

- (xxiii) The Petitioner went off Island for one month, and when she came back, started looking for a job, until she found one as a cashier at Hurley's Supermarket; earning from CI\$200 to 300 weekly. The Petitioner however continued to struggle to cover expenses for food, baby snacks, utility bills, half of the rent which was CI\$387, transportation, her son's school monthly expenses, food and snacks; as he was still in school back in her native Honduras.
- (xxiv) On many occasions the Petitioner continued to be confronted with the dilemma of obtaining milk, pampers and wet wipes for the Child, as the Respondent did not always provide her money to purchase these items; resulting in her having to shamefully beg the Respondent for it.
- (xxv) More and more the Petitioner came to the resolve, that she would be better off living without the Respondent, as he continued to drag her down mentally, emotionally and physically.
- (xxvi) The Petitioner then in July of 2017, took the decision to file for a divorce as the Respondent refused to change his unacceptable behavior, but the Petitioner had remained hopeful, that if she made this bold step, the Respondent would be encouraged to change and become the father to their Child, that she was hoping against hope; he might eventually come to realize and embrace. For this reason, she slowed down the process of coming to a final decision for divorce formalities, but has now to face the hard reality; that this will never happen.
- (xxvii) As a consequence of making this reality effective, the Petitioner has now, come to the full realization, that the Petitioner will not ever go back to living with the Respondent and in order to make ends meet, the Petitioner has continued living with a friend but with the difference that, the Petitioner is now employed and can see to funding, the basic human necessities for herself and the Child. The Petitioner's sister's assistance has continuously been provided, as the Petitioner continues to struggle to cover her bills; on account of the fact that the Petitioner's salary is not enough to do so.
- (xxviii) The situation between the Respondent and Petitioner has not changed in any way shape or form and whenever he comes into contact with the Petitioner, he continues to constantly humiliate the Petitioner. He has also developed a habit of harrassing the Petitioner by sending to her, offensive messages and also, accuses her of having other

men, suggesting that she ask those men to pay her rent; as he will never ever be the one to do so.

- (xxix) The Petitioner has finally come to grips, with not being anymore willing to be isolated in her efforts, to care for their Child along with having to deal with constant arguments and physical fights which was the norm, when she was living with the Respondent. The Petitioner has on many occasions since, tried to talk to the Respondent, in a last ditch effort to work things out, but the Respondent wouldn't accept any kind of solution or compromise being suggested or offered by the Petitioner; aimed at working to a resolution of their issues.
- (xxx) Overall, the Petitioner has finally accepted that when the Respondent kept going out day after day and coming back home drunk and fighting with the Petitioner, sleeping with his cellphone and taking it with him even to the bathroom, as he wouldn't let that cellphone away from him for one second; left the Petitioner feeling that he was hiding things from her.
- (xxxi) In addition to his otherwise unacceptable conduct, the Petitioner also came to realize, the real reason for the Respondent's many his trips away, his actions of taking clothes with him when he would go out, hiding his cellphone or putting it in his pocket once he would see the Petitioner approaching him, the keeping of the Petitioner at home, without even taking her to the supermarket or if he would take her, he would ask her to stay in the car for some silly reason; that it all was on account of the fact that he was being unfaithful to their marriage and was having affairs.
- (xxxii) The Respondent has now commenced living with his mother, an act which the Petitioner views as defining the fact that the marriage is now over, as when he did this, he then completely cut off providing any money towards the welfare of the Child and the Petitioner then decided, that she would no longer continue to beg the Respondent for this assistance; that she considers to be his legal obligation towards her and the Child. The Respondent also indicated to the Petitioner that he would be working on their divorce with his lawyer soon. Since almost a year of living apart, when it came to getting half of the rent or providing for the Child's necessities, the Respondent would hesitate to fulfill his obligations and offered the minimum assistance; whenever he felt like doing so.

(xxxiii) The Respondent and Petitioner have since grown apart emotionally and intimately during the said period and neither party is seeking reconciliation; nor is there any likelihood of the prior relationship being resumed between them.

(i) That there are no proceedings pending in this or any other jurisdiction in relation to the said marriage and that there have been no other proceedings in any Court in the Cayman Islands involving the said marriage.

(ii) That there is no material impediment under this law preventing this Honourable Court from granting a decree of dissolution.

(iii) That there is one child of the marriage and there are ancillary matters for consideration by this Honourable Court.

(iv) That the grounds for the Petition have been established.

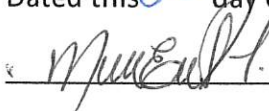
That the Petitioner therefore prays:-

(1) That a decree of dissolution of marriage, be pronounced by this Honourable Court in respect of the said marriage.

(ii) Such further and or other relief as this Honourable Court shall deem just.

(iii) That there be no order as to costs.

Dated this 26 day of Nov 20 18.



MARIA ESTELA SARMIENTO LOBO

To: The Clerk of the Courts

And To: The Respondent

NOTE: Under Rule 11 of the Matrimonial Causes Rules 1986, notice of your intention to defend may be given: (a) by an endorsement on the Acknowledgement of Service form (b) by notice of such intention lodged in the Registry within (14) days of service of this Petition, or (c) at any time by leave of the Court prior to the date fixed for trial.

This **PETITION** has been filed by Dennis Brady, Attorney -at-Law for the Petitioner whose address for service is that of her Attorney, at Crown Square, Building B-6, Eastern Avenue, P.O. Box 11740 APO, Grand Cayman KY1-1109, Cayman Islands.

**CAYMAN ISLANDS
CERTIFIED COPY of MARRIAGE REGISTER**

No.	When Married	Name and Surname	Condition	Calling	Age	District and Residence at the time of Marriage	Father's Name and Surname
362	02 April 2016	Owen Richard Dinnall	Divorced	Client Relationship Officer	36	109 Rosedale Gardens, George Town, Grand Cayman, Cayman Islands	Ewen Richard Dinnall
		Maria Estela Sarmiento Lobo	Never Married	Waitress	27	109 Rosedale Gardens, George Town, Grand Cayman, Cayman Islands	Mauro Sarmiento Trochec

Married at 141 Bogy Sand Road in the District of West Bay by (or before) me,

Date Morrison Banks, a Marriage Officer of the Cayman Islands,

Owen Richard Dinnall Garfield Wong

This Marriage was celebrated between us

Maria Estela Sarmiento Lobo

in the presence of us

Kerling Wong

Certified to be a true Copy of the Entry No. 362 in the Register Book of Marriages solemnized by (or before)

Date Morrison Banks, a Marriage Officer of the Cayman Islands.

Given at the GENERAL REGISTER OFFICE, GEORGE TOWN, GRAND CAYMAN, under the Seal of the said Office,
this day 31 January 2017



for REGISTRAR GENERAL

Ruby Douglas

IN THE GRAND COURT OF THE CAYMAN ISLANDS

HOLDEN AT GEORGE TOWN GRAND CAYMAN

MATRIMONIAL CAUSES REGISTRY

CAUSE NO. OF 2018

BETWEEN: MARIA ESTELA SARMIENTO LOBO

PETITIONER

AND: OWEN RICHARD DINNALL

RESPONDENT

ACKNOWLEDGEMENT OF SERVICE

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

1. Have you received the Petition for Divorce (and a copy of the supporting affidavit) delivered with this form?

Yes

No

2. On what date did you receive it? _____

3. Are you the person named as the Respondent/Co Respondent in the Petition

Yes

No

4. Do you intend to defend the case?

Yes

No

5. (In the case of a Petition alleging two years separation coupled with the Respondents consent to a decree being granted) Do you consent to a decree being granted?

Yes

No

6. (In the event that the Petition being proved is on the basis of two years separation coupled with the Respondents consent of five (5) years separation). Do you intend to apply to the Court for it to consider your financial position as it will be after the divorce?

Yes

No

7. (In any case in which there are children of the family) Even if you do not intend to defend the suit, do you object to the Petitioner's claim for custody and seek to make your own application for custody of the children?

Yes

No

Not Applicable

Even if you do not object the Petitioners claim for custody, do you intend to make an application for access to the children?

Yes

No

Not Applicable

Service of the Petition is acknowledged accordingly

Dated: _____

RESPONDENT

RESPONDENT'S ATTORNEY

Notes on address for service

Attorney: Where the Respondent/Co-Respondent is represented by an Attorney, state the attorney's place of business in the Cayman Islands. A Respondent/ Co-Respondent may not act by a foreign attorney.

Respondent in person: Where the Respondent/Co-Respondent 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.

Indorsement by Petitioner's Attorney (or by the Petitioner if suing in person) of his name and address in the box below:

DENNIS E BRADY

P.O. BOX 11740 APO

BUILDING B-6 TRINITY SQUARE

EASTERN AVENUE.

GEORGE TOWN

GRAND CAYMAN KY1-1109

Indorsement by Respondent's Attorney (or by the Respondent if acting in person) of his name and address:

This **ACKNOWLEDGEMENT OF SERVICE** is filed by Brady Attorneys at Law for the Petitioner whose address for service is that of his said Attorneys, Bldg. B6 Crown Square, Eastern Ave, George Town, Grand Cayman
