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PLAINT

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IN THE SUMMARY COURT OF THE CAYMAN ISLANDS  
HOLDEN AT GEORGE TOWN, GRAND CAYMAN

CAUSE NO.SC 130 2019

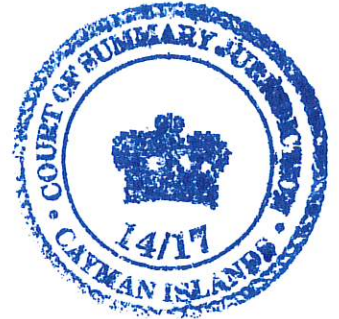
BETWEEN: Stephen Scott McTaggart

PLAINTIFF

AND: Michael George Facey

DEFENDANT

TO: Michael George Facey  
George Town, Grand Cayman



**THIS PLAINT** has been issued against you by the above-named Plaintiffs in respect of the claim set out on the next page.

WITHIN 14 DAYS AFTER SERVICE OF THIS PLAINT on you, counting the day of service, you must either satisfy the claim or return to the Court's Office, P.O.Box 495, Grand Cayman, the accompanying Acknowledgment of Service form stating therein whether you intend to contest this action. If you intend to contest the action whole or in part, you must set out full particulars of your defence in the space provided in the Acknowledgment of Service form.

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

Issued this 31 day of May, 2019.

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## PARTICULARS OF CLAIM

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1. The plaintiff is a businessman who formerly owned and operated a bar and grill business entity known as Billy Bones Ltd T/A Billy bones bar and grill (' the business').
2. The defendant is and was at all material times an employee of the plaintiff at the said business.
3. In or around September 2008, the plaintiff employed the defendant to work as a chef for the business.
4. That at the time of hire, the defendant was leaving his previous employment because he was not getting paid there.
5. That during the course of his employment with the plaintiff, the defendant obtained from the plaintiff various sums of money in the form of loans and/or advanced salaries.
6. That in or around August 2014, the defendant sought a loan from the plaintiff to pay his annual fees to the Immigration Department with respect to his Residency and Employment Rights Certificate (RERC).
7. The defendant had apparently obtained his RERC prior to coming to work for the plaintiff on the basis that if he did not maintain the payment of his annual fees , the said RERC would be withdrawn.
8. The defendant pleaded to the plaintiff to lend him the funds for the RERC payment telling the plaintiff that he, the defendant, would lose his RERC and jeopardize his status on the islands if the monies were not paid.
9. The plaintiff loaned the defendant the sum of CI\$6,000.00 which the defendant failed/refused to repay. The plaintiff filed civil action against the defendant for recovery of the monies and he has now obtained a judgment against the defendant for that sum following a trial of the matter for that claim in Summary Court cause No. 188 of 2018. The defendant has not paid any monies to the plaintiff in satisfaction of that judgment in whole or in part.
10. That in the course of the trial one of the receipts exhibited from Immigration was for the sum of CI\$6,300.000. Upon review of same, the plaintiff recollected that he had loaned the defendant this additional sum to pay for his annual RERC fees at the Immigration Department.
11. That the defendant has never repaid this money to the plaintiff. The said receipt is issued in the name of Billy Bones Bar, CNB cheque No. 8193 in the sum of CI\$6,300.00 re Annual R & E Rights Certificate for Michael Facey.
12. That because the claim in SC. 188 OF 2018 was only for one of the loans for CI\$6,000.00 ,it was not possible to request the additional loan of CI\$6,300.00 in the same claim and thus the plaintiff has to now file a separate claim for the CI\$6,300.00 loaned by him to the defendant, which the defendant has failed to pay.

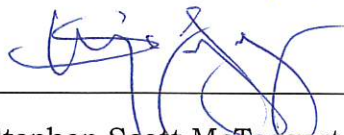
14. That I attach the copy of a letter from Bodden & Bodden dated August 12, 2015 in which they refer to the said amount of CI\$6,300.00 which was the exact amount on the receipt and the exact amount I loaned the defendant to make the payment for his RERC.

15. That in the premises, the plaintiff has suffered loss and damage and seeks and is entitled to the relief now being sought.

**WHEREFORE THE PLAINTIFF CLAIMS FROM THE DEFENDANT**

1. Damages in the sum of CI\$6,300.00
2. Fixed costs of CI\$150.00 plus filing fees, or costs to be assessed.
3. Interest at the rate of 2 38% per annum pursuant to the Judicature Law (2013 Revision) and the Judgment Debts ( Rates of Interest) Rules as amended from time to time
4. Such further and/or other relief as the Honourable Courts deems just.

DATED this 31 day of May, 2019.

  
\_\_\_\_\_  
Stephen Scott McTaggart

Plaintiff.

926-5884

## STATEMENT REGARDING INTEREST

1. Interest is claimed from the date of filing of the Plaintiff.
2. Rate of Interest is  $2\frac{3}{8}\%$  per annum from until full satisfaction of judgment
3. The amount of interest accruing each day is CI\$0.41



**PARTICULARS OF DEFENCE**

( Here set out in numbered paragraphs the grounds upon which the Defendants say that they are not liable to the Plaintiffs, or are 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, P.O.Box 495, GT, Grand Cayman within 14 days of receipt, otherwise Default Judgment may be entered against you.



Receipt Number : 1351808

Receipt Issued : 12-AUG-2015

Received From : BILLY BONES BAR  
P.O. Box  
Grand Cayman  
Cayman Islands B.W.I.

Paid By : Cheque  
Currency : CI \$  
Cheque Number : 8193  
Drawn On : CNB  
Amount : \$ 6,300.00

The Sum Of \$CI : \$ 6,300.00  
Change Given \$CI : \$ .00

Issued By : Shelley Ebanks-Okwaro (Imm)

Receipt Details

Service	Subject / Comment	CI\$ Amount
Annual R&E Rights Certificate Fee	FACEY, MICHAEL GEORGE - 034069	\$ 6,300.00
<b>Total :</b>		<b>\$ 6,300.00</b>

DUPLICATE

# BODDEN & BODDEN

ATTORNEYS AT LAW

**BY HAND**

August 12, 2015

Ms Susan Dixon  
Secretary  
Cayman Status and Permanent Residency  
Department of Immigration  
George Town, Grand Cayman

Dear Madam,

**RE: FACEY, MICHAEL GEORGE REF # 034069/1**

We act on behalf of the above-named person who has resided in the Cayman Islands for over 18 years. Our Client was granted Permanent Residency with Employment Rights on May 4<sup>th</sup> 2007.

We refer to your letter dated 11<sup>th</sup> July 2015 informing Our Client that the Department of Immigration is minded to revoke Residency and Employment Rights for nonpayment of annual fees.

Our Client confused and mistakenly was under the impression that his employer was paying for his annual fees, as soon as Our Client was informed of this letter the back fee were paid in full, as can be seen from the attached receipt and a copy of the original letter from the Department of Immigration both dated the 12<sup>th</sup> of August 2015.

Please note that the payment was made in the full amount of CI\$ 6,300.00. Our client is very sorry and sincerely apologies for this mistake and he requests for your consideration when reviewing this matter.

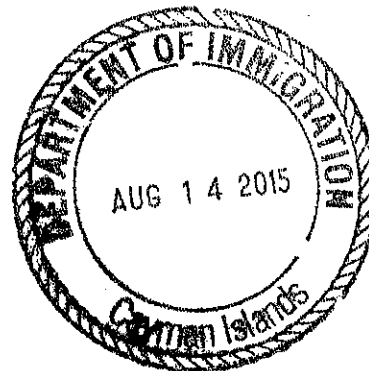
He is a good citizen, who does not possess any criminal records.

Our client is an honest, law abiding resident and he desperately wants to continue to reside with here in Cayman which has been his home for eighteen years.

Thank you for your kind consideration and should you require any further information, please do not hesitate to contact the undersigned.

Sincerely,  
**BODDEN & BODDEN**

*N. M. Taggart*



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Cayman Islands

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