

IN THE SUMMARY COURT AT GEORGE TOWN

CAUSE NO. SC 134 OF 2019

BETWEEN:

LETICIA HERNANDEZ

PLAINTIFF

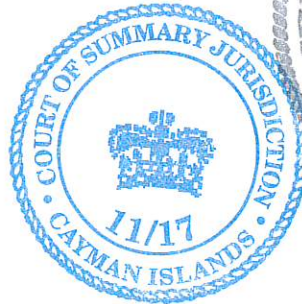
AND:

RICARDO MCKENZIE

DEFENDANT



PLAINT



To:
RICHARDO MCKENZIE
61 VELMA BANKS DR.
WEST BAY
GRAND CAYMAN
CAYMAN ISLANDS
PH: 922-8271

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 on this **Plaint** on you, counting the day of service, you must either satisfy the claim or return to the **Court Office, P.O. Box 495, George Town, Grand Cayman**, the accompanying **Acknowledgment of Service** form stating therein whether you intended to contest this action. If you intend to defend that action, in 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 any further notice to you.

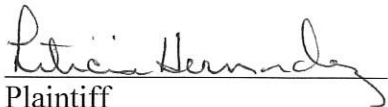
Issued this 11th day of June 2019.

See overleaf for particulars of the Plaintiff's claim.

10. The Plaintiff subsequently spoke to the Defendant on the phone and asked him to meet her in the Cayman Island Immigration parking lot to speak about it, as she was there doing business. The Defendant indicated that he was coming then to speak with the Plaintiff. The Plaintiff waited for hours and the Defendant never showed or called by to discuss the matter.
11. As the Defendant does not answer phone calls from the Plaintiff, the Plaintiff, visited the home of the Defendant again and learnt that he has a bad dog tied at the front of the house and she became afraid.
12. Out of desperation, the Plaintiff engaged Debt Collection Agency, Cayman Document Servers & Collectors to write and serve a "Letter Before Action" document on the Defendant. This was personally served on him by the Agency on May 18, 2019. See "**Exhibit LH4**" attached.
13. That even though, the letter gave the Defendant until May 31, 2019 (two months after the job originally was to be completed) to have the job completed, the Defendant has not responded to the letter or contacted the Plaintiff in any to reimburse her the money or complete the job.

The Plaintiff now claims:

1. Full Refund of CI\$1390.00 paid to the Defendant, forthwith.
2. Full refund on fee of CI\$110.00 paid to Cayman Document Servers & Collectors
3. Court cost as this Court deems just.
4. Any other Order this Honourable Court deems Just.


Plaintiff

#13 McCaw DR
Lower Valley
927-6402

EX-LH1

RECEIVING RECORD

Received From Leticia Hernandez On 09/03/19

Address #13 Macaw Dr, WillT Date Shipped / /

Our Order No. _____ Shippers Order No. _____

Via: Truck UPS Parcel Post Other _____

Shipment was: Complete Partial Prepaid Collect \$ _____

QUANTITY	DESCRIPTION
	Cabinet \$3,300
	Down payment \$1,000 Paid
	Balance \$2,300
	#922-2871
	MR. Ricardo McKenzie
	Delivered to _____ Dept. _____ On <u>/ /</u>
	Received and checked by <u>[Signature]</u>

LITHO IN U.S.A.

TOPS FORM 4147

TOPS FORM 4147

EX-LH2

RECEIVING RECORD

Received From Leticia Hernandez On 30/3/19

Address on cabinet Date Shipped / /

Our Order No. _____ Shippers Order No. _____

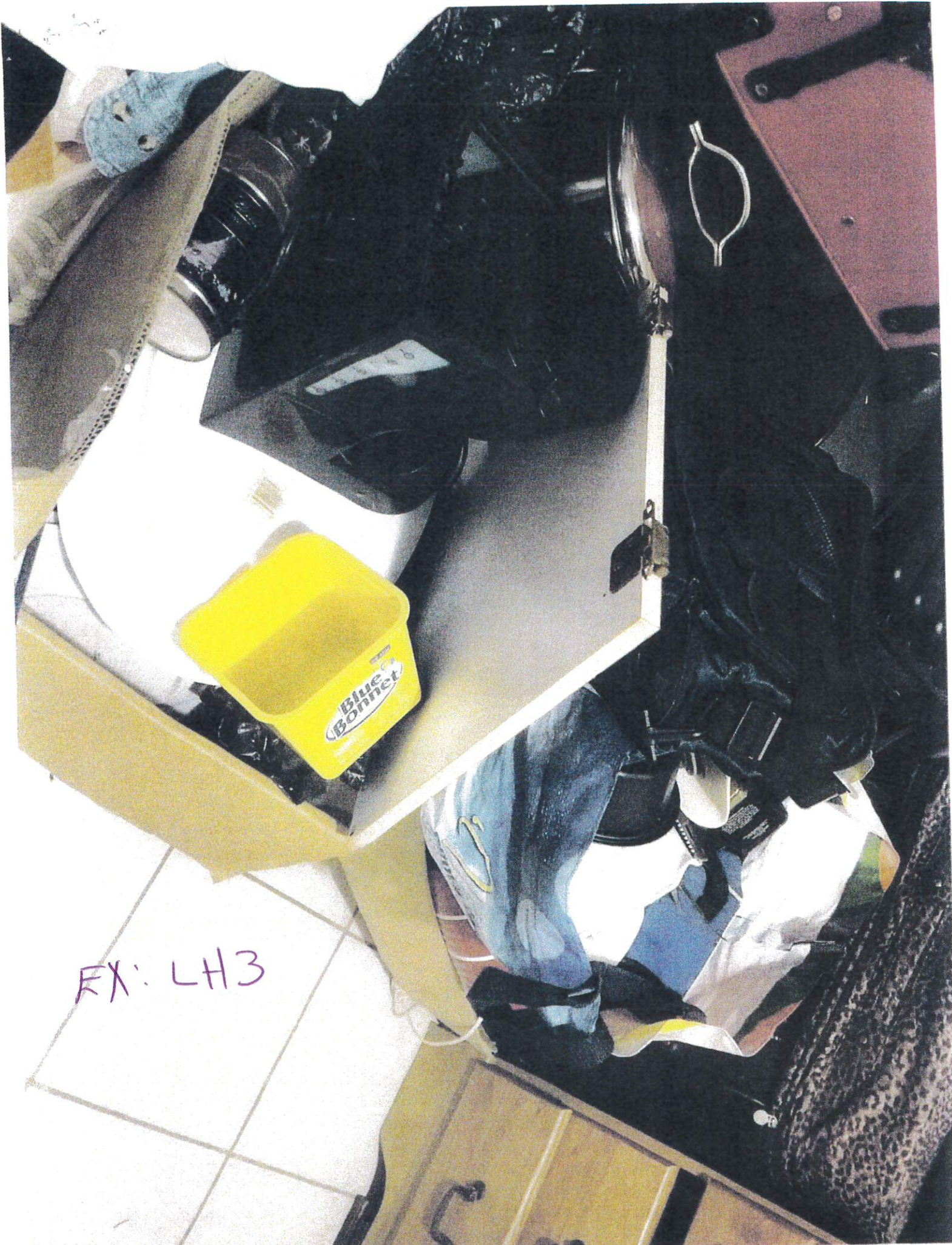
Via: Truck UPS Parcel Post Other _____

Shipment was: Complete Partial Prepaid Collect \$ _____

QUANTITY	DESCRIPTION
	\$390. CF
	Total
	Bal \$1,900.10
	Delivered to _____ Dept. _____ On <u>/ /</u>
	Received and checked by _____

LITHO IN U.S.A.

TOPS FORM 4147

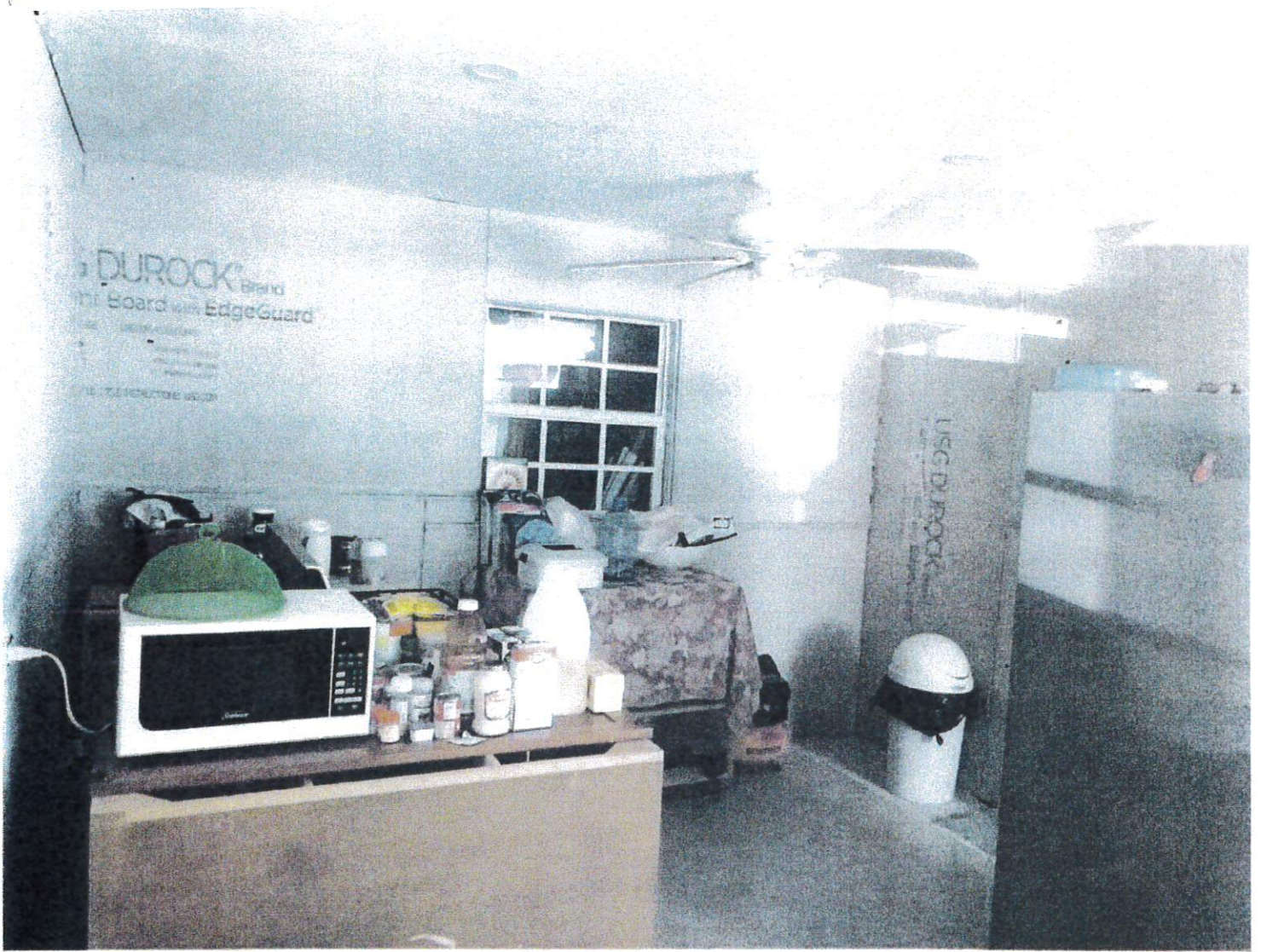


EX: LH3











FX: LH3







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, P.O. Box 495 GT, George Town, Grand Cayman within 14 days of receipt otherwise a default judgment may be entered against you.

This Plaintiff was filed by: the Plaintiff in person whose address is #13 Macaw Dr. Will T Drive, Bodden Town, Cayman Islands Ph: 927-6402

EX: 444

18.5.19 3:00 pm
61 Velma Banks Dr.



Cayman Document Servers & Collectors
P. O. Box 1004
Grand Cayman KY1-1503
Cayman Islands

8 Artco Center, Shedden Road, George Town.
P. (345) 321-5574 | E. outsourcelclinic4@gmail.com
W. www.outsourcelegalandadminclinic.com

May 17, 2019

LETTER BEFORE ACTION

Mr. Ricardo McKenzie
61 Velma Banks Dr.
West Bay
Grand Cayman
Cayman Islands

Dear Mr. McKenzie

CABINET INSTALLATION AND REPAIRS AGREEMENT WITH MS. LETICIA HERNANDEZ

We write on behalf of our client Ms. Leticia Hernandez. As you will see from the attached receipt which is signed by you, our client Ms. Hernandez paid you CI\$1,000.00 (one thousand Cayman dollars) on the 9th March 2019 to do the following job at #13 Macaw Dr. Will T Drive, Bodden Town, Cayman Islands:

1. Make and Install top kitchen cabinets and;
2. Repair and install bottom kitchen cabinets.

This job was to be completed by 31st March 2019. Our client informs us that you removed all of her old cabinets (in preparation for installing the new ones) leaving her with no way to store her groceries, dishes or even cook her food. The attached pictures shows the dilemma our client is in due to you not doing the job as agreed.

On the 30th March 2019, even though you had not started the job, you indicated to our client that you required CI\$390.00 (THREE HUNDRED AND NINETY DOLLARS CAYMAN) to purchase material to do the job. Our client paid you the additional CI\$390.00 on the March 30, 2019; a copy of the receipt showing monies paid to you is attached.

Our client informs us that due to you not answering your phone, she visited your place of residence in West Bay in an attempt to see you; she was told you were sick, however, you were not at home. She concluded that you were avoiding her because the job has not been started and you have collected CI\$1390.00 from her.

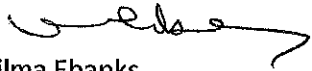
Our client has further informed us that she spoke to you again recently and you promised to meet with her in George Town to discuss the situation, but you never showed for the meeting.

In view of this very unsatisfactory situation, our client is sending this letter in hopes that she does not have to take the matter to Court.

Our Clients proposal to settle this matter is that you contact her immediately at 927-6402 and confirm that the agreed job will be completed by 6:00 pm on May 31, 2019. If our client does not hear from you within 7 days, she has no choice but to file legal proceedings in the Cayman Islands Court, to recover the money she has paid to you in the amount of CI\$1390.00 and any court cost involved in filing the suit.

In addition, the cost to our client for having this letter prepared and served on you is CI\$110.00, which she is requesting payment for, as this is no fault of our clients.

Respectfully yours,



Wilma Ebanks
Debt Collector

Enclosures

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

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This Complaint was filed by: the Plaintiff in person whose address is #13 Macaw Dr. Will T Drive, Bodden Town, Cayman Islands Ph: 927-6402