

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FAMILY DIVISION

CAUSE No. FAM OF 2020

BETWEEN: NICHOLAS LANCE POWERY PETITIONER

AND: ILIANA TERESA VASQUEZ MATUTE RESPONDENT



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PETITION FOR DISSOLUTION OF MARRIAGE

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The Humble Petition for the Dissolution of Marriage of **NICHOLAS POWERY** shows:-

1. **That** on the 11<sup>th</sup> day of December 2010 at West Bay, Grand Cayman the above Petitioner was lawfully married to the Respondent. At the time of the said marriage, the marital status of the parties was as follows:-

- (a) The Petitioner was single
- and
- (b) The Respondent was single

2. **That** following the celebration of the said marriage, the parties lived and cohabitated in a house on family land at #37 Judes Lane, West Bay, Grand Cayman.

3. **That** this Honorable Court has jurisdiction in this matter, by reason of the fact that the Petitioner was born in the Cayman Islands and has been domiciled here all of his life, up to and including one year before the presentation of this Petition.

4. **That** at the time of the marriage, the Respondent had one child from a previous relationship:

- Christopher Joan Bustillo (DOB: 18 November 2006)

5. **That** Christopher Bustillo has lived with the Respondent since September of 2010 in the Petitioner's family home at #37 Judes Lane, West Bay, Grand Cayman

6. **That** the parties have no biological children together.

7. **That** since the celebration of the marriage, the Respondent has behaved in such a way that the Petitioner cannot be reasonably expected to live with the Respondent. As a result of such unreasonable behavior, the marriage has irretrievably broken down.

8. **That** there is no matrimonial property to be divided.

9. **That** the grounds for unreasonable behavior have been established.

10. **That** there have been no previous proceedings brought by this Petitioner or Respondent in this or any other court in respect of the said marriage.

11. **That** there is no impediment to this Honorable Court granting a Decree of Dissolution of Marriage known to the Petitioner, and there is no prospect whatsoever, of a reconciliation between the parties.

12. The Petitioner will rely on the following factors:

#### **PARTICULARS OF UNREASONABLE BEHAVIOUR**

- i. The Petitioner and Respondent began to grow apart emotionally about 2 years into the marriage, when the Respondent became verbally abusive. Arguments primarily relating to the Respondent accusing the Petitioner of having extramarital affairs, would pursue on a regular basis. In or about the years 2012 to 2013, the abuse became physical, where the Respondent would deliberately hurt the Petitioner. The Respondent would physically abuse the Petitioner, despite knowing that he is a kidney transplant recipient, who is on daily medication, and needed to remain in good health. The physical abuse began with the Respondent forcefully pinching the Petitioner on the arm.

In the year 2014 the abuse escalated during an argument where the Respondent followed the Petitioner as he tried to get away from her. The Respondent began pinching the Respondent on his upper body which was then followed by her forcefully punching and slapping the Petitioner in his chest and shoulder region.

The Petitioner attempted to hide the extent of the abuse he was suffering from his immediate family. On the 11<sup>th</sup> November 2019, the Petitioner became too overwhelmed to continue to keep it from them, and advised his family of what had been happening in the marriage.

- ii. In the year 2017, the Respondent and her son went with the Petitioner for a medical appointment overseas. He had to do a biopsy and was advised by his Doctor to remain in bed for an eight hour observation period. The Petitioner was also instructed by his doctor not to do any excessive walking or pick anything up weighing more than 10 pounds. The Respondent showed very little concern for the Petitioner's welfare as she was very eager to leave him to go shopping.
- iii. The Respondent would destroy personal property belonging to Petitioner during her fits of rage. The Respondent destroyed 3 mobile phones on different occasions during arguments where the Respondent was accusing him of having affairs. The Petitioner had to replace each phone destroyed with no assistance from the Respondent.

On the 11 November 2019, as the Petitioner drove into the yard of his family home, the Respondent ran up to his vehicle. Being unaware of what was wrong, the Petitioner let her into his truck. She got into the truck and pulled on the door so hard that the lock broke. The Respondent then began accusing the Petitioner of having an affair, pulled on his shirt and hit him in the head with a 16oz bottle of water.

- iv. The Respondent would become unexplainably jealous and constantly accuse the Petitioner of being in relationships with various women including his co-workers. The Respondent's jealousy would lead her to check the Petitioner's mobile phone on a daily basis and demand that he not spend time with any of his friends.
- v. The Respondent would regularly tell her son, Christopher Bustillo, that the Petitioner does not contribute towards his welfare, and remind the child that the Petitioner is not his real father. This would cause rifts in the relationship between the Petitioner and his step-son.
- vi. Since the marriage, both parties have resided together in the Petitioner's family home, along with his immediate family members. The Petitioner moved out of the home on the 23<sup>rd</sup> March 2020 as his father who had been undergoing cancer treatment overseas was due to return home. The Petitioner felt his moving out was best to avoid any arguments and fights with the Respondent while his father is in a

very fragile state. The Petitioner did not ask the Respondent to move out of his family home because of the Shelter-in-Place provisions that were in place due to the pandemic Covid-19, and out of concern for his step-son. As such, the Petitioner has not been able to spend the amount of quality time with his immediate family he desires, having to avoid going to his family home while the Respondent is present. The Petitioner fears that the Respondent will not be able to control her behavior, despite being aware of his father's health. The Petitioner is also concerned for his own personal health and wellbeing, as in May of 2006 he became a kidney transplant recipient. Given his own health concerns, The Petitioner no longer wants to be at risk of suffering further physical abuse from the Respondent.

- vii. The Petitioner owns a collection of pocket knives that he stores in his bedroom. In 2016 the Respondent was arguing with the Petitioner about not spending enough time with, and going out with her. The Petitioner was lying in bed when the Respondent pulled one of the knives out and began threatening him with it, saying that he does not know her. The Respondent pulled the blade of the knife open and aimed it at him. The Petitioner placed a pillow in front of his chest to protect himself. He was eventually able to calm the Respondent down and convince her to give him the knife. On taking the knife away from her he immediately left and went to his sister's house, Bethany Powery. The Petitioner told Bethany Powery about the incident as he was very disturbed by what had occurred.
- viii. In November 2019 the Petitioner advised the Respondent that he no longer wished to remain in the marriage. In December of 2019 the Respondent went to her Pastor, Jason Knox of the Presbyterian Church, seeking marital assistance. The Pastor then in turn contacted the Petitioner in an effort to provide counselling. The Petitioner advised the Pastor of what he had been experiencing since being in the marriage. The Pastor was unaware of the matters of abuse as the Respondent did not share those details. The Petitioner has no desire to attempt to reconcile the failed relationship or marriage.
- ix. The Respondent and Petitioner have not communicated on any meaningful, emotional level for more than 2 year prior to the date of this petition. Distance between the parties is to the extent that the sense of intimacy and of being husband and wife has gone from the marriage.


11. In view of the factors outlined above, the Petitioner is of the view that his marriage has irretrievably broken down, and neither party seeks reconciliation.

#### **WHEREFORE THE PETITIONER PRAYS –**

1. That his marriage be dissolved.
2. That each party pay their own costs.

3. Such further and other Order as this Honorable Court shall deem appropriate.

Dated this      day of      2020

  
\_\_\_\_\_  
Petitioner

**Note: That under Rule 11 of the Matrimonial Causes Rules, NOTICE of your intention to defend may be given by:**

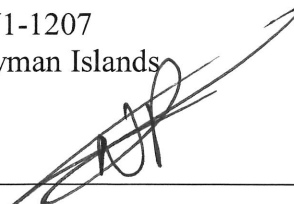
1. An endorsement on the Acknowledgement of Service;
2. By notice of such intention lodged in the Registry within 14 days of the date of service of this Petition; or
3. At any time with the leave of the court prior to the date fixed for hearing.

**The following persons are to be served with this petition:**

**TO:            The Clerk of the Court**

**AND TO:**    Iliana Teresa Vasquez  
37 Judes Lane, West Bay  
c/o Fix It Celltronics Ltd.  
P.O. Box 10195  
Cayman Islands  
KY1- 1002

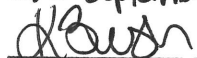
The Petitioner's address for service is –  
Nicholas Lance Powery  
P.O. Box 31678  
KY1-1207  
Cayman Islands

  
\_\_\_\_\_  
Petitioner

15/9/2020  
\_\_\_\_\_

Date

Certified to be a true and correct  
Copy of the Original this 15  
day of September, 2020

  
\_\_\_\_\_  
Kayla D Bush  
Notary Public  
In and for the Cayman Islands  
My Commission Expires on 31 Jan 2021



**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
325	11 December 2010	Nicholas Lance Powery	Bachelor	Civil Servant	23	37 Judes Lane, West Bay, Grand Cayman, Cayman Islands	Creston C. Powery
		Hiana Teresa Vasquez Matute	Maiden	Student	21	37 Judes Lane, West Bay, Grand Cayman, Cayman Islands	Erasmio Vazquez

Married at Boatswain Bay Presbyterian Church in the District of West Bay by (or before) me,  
Dale Morrison Banks, a Marriage Officer of the Cayman Islands.

This Marriage was celebrated between us  
Nicholas Lance Powery in the presence of us  
Hiana Teresa Vasquez Matute Eleanna Rosaura Bustillo

Certified to be a true Copy of the Entry No. 325 in the Register Book of Marriages solemnized by (or before)

Dale 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 30 September 2020



*Cindy B. Diaz Garcia*

for **REGISTRAR GENERAL**  
 Cindy B. Diaz Garcia

## ACKNOWLEDGEMENT OF SERVICE

### DIRECTIONS FOR ACKNOWLEDGEMENT OF SERVICE

#### OF DIVORCE PETITION

IF YOU INTEND TO INSTRUCT AN ATTORNEY TO ACT FOR YOU, GIVE HIM THIS FORM IMMEDIATELY.

1. The accompanying form of Acknowledgement of Service should be completed by an attorney acting on behalf of the Respondent or by the Respondent if acting in person.
2. After completion it must be signed by the Respondent and his attorney (if any) and must be delivered or sent by post to the Law Courts, P.O. Box 495, GT, George Town, Grand Cayman.
3. The Acknowledgement of Service must be filed at Court and served on the attorney for the Petitioner (or on the Petitioner, if acting in person) within **fourteen days** after service of the Petition.
4. A Respondent who states in his Acknowledgement of Service that he intends to contest the proceedings must also serve an Answer on the attorney for the Petitioner (or on the Petitioner, if acting in person) within fourteen days after service of the Petition.
5. The Petition will be treated as an “undefended petition” in respect of which a decree of divorce may be pronounced without the need for any hearing in open court unless an acknowledgement of service form in which you have stated intention to defend has been filed at the Court office within fourteen days of the service of the Petition.
6. In the case of the Petitions served outside the Cayman Islands, the periods within which the Respondent must file an Acknowledgement of Service and any Answer are extended by fourteen days.

**Please complete Overleaf**

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FAMILY DIVISION**

**CAUSE No.      FAM      OF 2020**

**BETWEEN:                      NICHOLAS LANCE POWERY                                      PETITIONER**

**AND:                              ILIANA TERESA VASQUEZ MATUTE                                      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 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 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 Respondent's 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 on the basis of two years separation coupled with Respondent's consent or five 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 and seek to make your own application for custody of the child?

Yes

No

Not Applicable

Even if you do not object to the Petitioner's 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 is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Respondent may not act by a foreign attorney.

**Respondent in Person:** where the 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.

Endorsement by Petitioner's attorney (or by the Petitioner if suing in person) of his name and address in the box below.

Nicholas Lance Powery  
P.O. Box 31678  
Cayman Islands  
KY1-1207

Endorsement by Respondent's attorney (or by the Respondent if acting in person) of his name and address in the box below.