

IN THE SUMMARY COURT AT GEORGE TOWN

CAUSE NO S.C. OF 2021

BETWEEN: TRUDANE JAMALI MESQUITA PLAINTIFF

AND: JERMAINE VALENTINE PAUL DEFENDANT

PLAINT



TO THE DEFENDANT:

JERMAINE VALENTINE PAUL
Frank Sound
North Side
Grand Cayman
CAYMAN ISLANDS

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 the service of this **Plaint** on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495G.T, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether you intend to contest this action. If you intend to defend this 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 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 day of March 2021.

See overleaf for particulars of the Plaintiff's claim.

PARTICULARS OF CLAIM

1. The Plaintiff was and is at all material times a resident of the Cayman Islands and a work permit holder employed as a motor vehicle mechanic with KY Mobile Mechanic providing automobile service and repairs within the Cayman Islands.
2. The Defendant was and is at all material times the registered owner of a 2006 Silver Mercedes Benz CLS 350 motor vehicle license number 170827 (the "vehicle").
3. Pursuant to a verbal agreement made in June 2020, the Defendant authorized the Plaintiff to carry out mechanical repairs to the vehicle for the agreed sum of CI\$3,000.00. The parties further agreed that the Plaintiff would complete the repairs to the vehicle by August 2020 (the "contract").
4. On the 15 June 2020, the Defendant paid the Plaintiff the sum of CI\$1,700.00 with the remaining balance of CI\$1,300.00 to be paid on completion of the mechanical repairs.
5. At the Defendant's insistence, the Plaintiff agreed to carry out the mechanical repairs to the vehicle on site at the Defendant's private residence.
6. In accordance with the contract, the mechanical repairs to the vehicle were completed in or about mid-August 2020, at which time the Plaintiff advised the Defendant that repairs having been completed, the vehicle was now in full working order. The Plaintiff's left the vehicle at the Defendant's property expecting the Defendant to thereafter meet with the Plaintiff to pay the remaining balance of CI\$1,300.00 owed to the Plaintiff.
7. In breach of the agreement the Defendant failed to pay the Plaintiff the remaining balance of CI\$1,300.00 owed on the contract.
8. By letter dated 29 October 2020 the Plaintiff demanded payment by the Defendant of the outstanding balance of CI\$1,300.00 owed to the Plaintiff.
9. To date, the Defendant has failed, refused and/or neglected to pay the outstanding sum of CI\$1,300.00 owed to the Plaintiff.
10. The Plaintiff therefore claims the sum of CI\$1,300.00 owed by the Defendant.
11. The Plaintiffs also claims interest on all overdue sums pursuant to the Judicature Law (2007 Revision) Judgment Debts Rates of Interest from the 1 October 2020 to date totaling CI\$113.40 accruing at a daily rate of CI\$0.07 thereafter until payment.

AND the Plaintiff claims:

- (1) The principal sum of CI\$1,300.00.
- (2) Interest of CI\$113.40.
- (3) Costs.
- (4) Interest at the rate of 2 3/8% to continue until this matter is settled.



TRUDANE JAMALI MESQUITA

Plaintiff's address for service

George Town

Grand Cayman

Cayman Islands

26 Griffin St
326-8848

JERMAINE VALENTINE

AFFIDAVIT OF SERVICE

I Tyrone Farnum of George Town Grand Cayman herby MAKE OATH AND SAY as follow:

1. That on Wednesday November 4, 2020. At 9:30 pm, At Countryside parking lot which is located on Shamrock Road Savannah Grand Cayman. I served a Letter on Jermaine Valentine Paul who is known to me
2. I placed the said document in his hand; I then informed him that he was served.
3. That what I have stated above is true and correct



Tyrone Farnum

Sworn before me at George Town this 4th day of November 2020



Justice of Peace



CARLENE LINDSAY-BROWN
Justice of the Peace

ID# CLB220514



BRADY ATTORNEYS-AT-LAW
DENNIS E BRADY BSC LLB(HONS.) CRISTER A BRADY BSC LLB

October 29th, 2020

Dear Mr. Jermaine Valentine

Re: Outstanding monies for work done to Silver Mercedes Benz CLS

We have been approached by Mr. Trudane Mesquita in regards to an outstanding balance of a sum of One Thousand Three Hundred Cayman Islands Dollars(1,300.00kyd) owing to him which in relation to mechanical work (see attached invoice) done to your silver Mercedes Benz CLS 350 on divers days between July 2020 to sometime in mid August 2020. We are instructed that a sum of One Thousand Seven Hundred Cayman Islands Dollars (1,700.00kyd) was previously paid in relation to the work done from an agreed total sum of Three Thousand Cayman Islands Dollars (3,000.00kyd). We are instructed that he has demanded the outstanding sum on more than one occasion but that you have refused to pay the said amount.

We are instructed that the said sum have remains unpaid to date and we are herein instructed to demand it in full. Therefore, in keeping with the **Civil Procedure Rules** of the Grand Court of the Cayman Islands, consider this as a formal demand letter for the full amount. If we have not heard from you within 14 days of receipt of this letter, we are instructed to proceed to issue proceedings against you in the Summary court.

Be advised that the court process will incur legal fees as well as court costs and we would therefore urge you to settle this matter without litigation. Any judgment of the court, which we are confident will be made against you will be

BETWEEN: TRUDANE JAMALI MESQUITA PLAINTIFF

AND: JERMAINE VALENTINE PAUL DEFENDANT

ACKNOWLEDGMENT OF SERVICE

State the Defendant's name and address --

State whether the Defendant intends to contest the action.

Yes No

If you do not intend to contest the action, do you want time in which to pay the claim?

Yes No

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 **March 2021**.

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).

COUNTERCLAIM

AND the Defendant claims:

Defendant's Signature

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