



No. 1

Plaint

SUMMARY COURT AT GEORGE TOWN

Cause # SC of 2023

BETWEEN NORA YONIDIA MARTINEZ DE HURLSTONE Plaintiff

AND: (1) MARIETTA CADIZ  
(2) MELENCIO FERNANDEZ ESTACION JR Defendants

To the Defendants

Marietta Cadiz  
Melencio Fernandez Estacion Jr.  
C/O Marietta Cadiz  
3 Miss Keppie Ln  
George Town  
Grand Cayman

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 Plaintiff on you, counting the day of service, you must either satisfy the claim or return to the Court Office, PO Box 495, George Town, Grand Cayman, the accompanying Acknowledgment of Service form stating therein whether you intend to contest this action. If you intend to defend the 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 5 day of July 2023

See overleaf for particulars of the Plaintiff's claim.

PARTICULARS OF CLAIM

1. The Plaintiff is at all material times the Registered Owner of a 2008 Honda Accord EX (“HA”).
2. Defendant 1 is the driver of a 2012 Hyundai I10 (“HI”), and Defendant 2 is the registered owner of HI.
3. The Plaintiff at various times permitted duly authorized and insured drivers to operate HA. At the material time HA was being driven by a Preston Ashby (“PA”).
4. On 28 April, 2023, PA was travelling along Goring Avenue, George town. Defendant 1 was at the junction of Warwick Avenue and Goring avenue. Defendant 1 drove HI into HA, which was driven by PA, and by her negligence caused extensive and costly damage to HA.

Particulars of Negligence of Defendant 1

- a) Failing to allow PA his right of way
  - b) Failing to check to see if there were oncoming vehicles traveling from either direction
  - c) Operating HI at too high of a speed to correct herself in the event she drove out and then realized there was an oncoming vehicle
  - d) Failing to ensure that she was legally insured to operate HI.
5. On 31 May, 2023, Cayman First, the insurer of HI, wrote to the Plaintiff refusing cover on the basis that the Defendant 1 was not covered under the relevant insurance policy in that she was not sufficiently experienced as required by the policy, to wit 2 years driving experience. Defendant 2 permitted Defendant 1 to operate HI, causing personal liability to be incurred by his negligence.


Particulars of Negligence of Defendant 2

- a) Failing to ensure that Defendant 1 was lawfully insured to operate HI.

6. By reason of the negligence of the Defendants, the Plaintiff has suffered losses and damages.

AND the Plaintiff claims:

- a) Repair costs of CI\$5043.50
- b) Interest in the sum of calculated at the prescribed rate of 8.375% from 1 May 2023 of CI\$77.53 to date and accruing at \$1.16 per day.
- c) Legal costs to be assessed if not agreed



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Plaintiff's signature

Plaintiff's address for service

[john@meghoolaw.com](mailto:john@meghoolaw.com)

John G. Meghoo  
28 North Church St.  
George Town  
Grand Cayman

No. 2  
Acknowledgement of Service

IN THE SUMMARY COURT AT GEORGE TOWN

Cause # SC of 2023

BETWEEN NORA YONIDIA MARTINEZ DE HURLSTONE Plaintiff

AND: (1) MARIETTA CADIZ  
(2) MELENCIO FERNANDEZ ESTACION JR Defendants  
ACKNOWLEDGMENT OF SERVICE

1. State Defendants name and address –

[Empty rectangular box for defendant name and address]

2. State whether the Defendants intend to contest the action.

Yes  No

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

Yes  No

4. 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.

\_\_\_\_\_  
Defendants's Signature

Dated this    day of                    2023

See Overleaf

**PARTICULARS OF DEFENCE**

(Here set out in numbered paragraphs the grounds upon which the Defendant says 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 George Town, Grand Cayman within 14 days of receipt otherwise a default judgment may be entered against you.