

No. 1

Plaint



SUMMARY COURT AT GEORGE TOWN

Cause No. SC _____ of 20__

BETWEEN:

MARGARET HENRY AND
DAMIEN HENRY

Plaintiff

AND:

ROWAN CARDOZA

Defendant

To the Defendant

ROWAN CARDOZA
38 WATERSHED CIRCLE
LITTLE SAVANNAH GARDENS
SAVANNAH, GEORGE TOWN

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 of this Plaintiff on you, counting the day of service you must either satisfy the claim or return to the Court Office, PO Box 495GT, 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 Acknowledgement of Service form.

If you fail to satisfy the claim or fail to return the Acknowledgement 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 9 day of Feb 20 24

See overleaf for particulars of the Plaintiff's claim

PARTICULARS OF CLAIM

1. On July 11, 2023 I, Margaret Henry and my husband Damion Henry paid Rowan Cardoza T/A Independent Shipping, the sum of CI\$350.00 (invoice CI\$340) to ship goods from the Cayman Islands to Jamaica.
2. The goods included 2 chairs, 4 new car rims, 5 boxes with new car parts, car jack, a new lawnmower and 1 yellow and black container with household items which includes speaker and radio.
3. The goods are valued at CI\$2,500.00
4. In August 3, 15 & 16 2023 we requested an update on the shipment as was told it was in Jamaica and invoices were being collated because customs in Jamaica were charging too much.
5. On August 30, 2023 he again advised he would be going to Jamaica to clear the goods the following week.
6. On September 8, 2023 he again stated that customs was charging him too much but he would pay Customs off next week and get it off.
7. On September 15, 2023 he advised that he sent the receipts and waiting on the breakdown to pay them and take it off he bought his ticket to go down this Sunday.
8. In October 2, 2023 he informed again that customs was charging too much but he was dealing with it.
9. On November 6, 7, and 20 2023 we requested update on our goods for which he stated was safe and as soon as he get through would deliver. On November 21, 2023 in another update, he denied he advised us the shipment was not shipped and stated he had just sent it off through a returning resident in order to get the goods cleared at a cheaper rate (see attached document).
10. On November 24, 2023 he advised us he would have the goods next week then he would start to deliver.
11. The shipment receipt we received is in a third party's name and therefore is not proof of shipment as we are not privy to any agreement between the parties (see attached document).
12. In December 1, 2023 when we asked about the shipment and told him we would be seeking assistance through the RCIPS, he told us that these things take time and that he was waiting on a call from Jamaica and would update us. However if we wanted to take it to the police that was up to us.
13. In January 2024 we sought assistance from the RCIPS to obtain a copy of our receipt which we misplaced. He advise us that Mr. Cardoza would be dropping off a copy at the Police Station (see attached).
14. On January 16 2024 Margaret Henry sent a WhatsApp message for a refund of value of our goods and shipping costs he said he have no money the money he have is to clear the Container and everyone will soon get their goods and must have more patience. This was the last correspondence we had with him via WhatsApp.
15. Also on the January 16 2024 Damion went to Mr. Cardoza's house as to the whereabouts of our shipment and he advised the shipment was in Jamaica and he could show the paperwork. Damion advised that he did not want to see no paperwork and want to know whereabouts of our shipment.

AND the Plaintiff claims:

- 1 The sum of CI\$2,850.00.
- 2 Interest in the sum of \$ _____ calculated at the prescribed rate from to date.
- 3 Fixed costs of \$ CI\$2,900.00, alternatively costs to be assessed.

Margaret Henry

Plaintiff's Signature

Plaintiff's address for service

38 Watershed Circle,
Little Savannah Gardens, Savannah
~~Lower Valley~~, Beckett Town

No. 2

Acknowledgment of Service

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC _____ of 20__

Between:

MARGARET HENRY AND
DAMIEN HENRY

Plaintiff

AND:

ROWAN CARDOZA

Defendant

ACKNOWLEDGMENT OF SERVICE

1 State Defendant's name and address -

ROWAN CARDOZA
38 Watershed Circle
Little Savannah Gardens, Savannah
Gedden Town

2 State whether the Defendant intends 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 Plaint is acknowledged accordingly.

Signature Defendant's

Dated this _____ day of _____, 20__

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)

Signature Defendant's

REMINDER - This form must be taken or sent to the Court Office, PO Box 495GT, George Town, Grand Cayman within 14 days of receipt otherwise a default judgment may be entered against you.