



MARY COURT OF THE CAYMAN ISLANDS

CAUSE NO: SC _____ OF 2024

Telecom Solutions Ltd

PLAINTIFF

AND:

Mr. Wayne Cato

(Trading As Jack’s Esso and Jacks Esso II)

DEFENDANT

PLAINT

TO: Mr. Wayne Cato, Frank Sound Road, Old Man Bay, 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 Complaint on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495GT, George Town, Grand Cayman, KY1-1106, 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 [] day of May 2024.

See overleaf for particulars of the Plaintiff’s claim.

PARTICULARS OF CLAIM

1. The Plaintiff is a company registered in the Cayman Islands which supplies and distributes telecommunication products, including the provision of self-service top-up kiosks and wholesale retailer-operated top-up tablets within independent retail locations, allowing customers to purchase pre-paid 'credit' ("**PPC**") for use with their existing telecommunication provider.
2. The Defendant is an individual, normally resident in Grand Cayman, Cayman Islands, and a sole trader and operator of an 'Esso' branded service station located in North Side, Grand Cayman, Cayman Islands, known as Jack's Esso' or 'Jack's Esso II'.
3. The Plaintiff agreed to provide and install a self-service top-up device at the Defendant's premises. Customers of the Defendant purchased PPC, making payment directly to Defendant. The Defendant agreed with the Plaintiff that he would pass on the payments that had been received from the Defendant's customers to the Plaintiff, less a retained commission.
4. The Plaintiff submitted the following invoices to the Defendant, identifying the payments due from the Defendant.

<u>Invoice Number</u>	<u>Invoice Date/Receipt</u>	<u>Invoice Amount (CI\$)</u>
000064058	13/06/18	48.00
000064202	18/06/18	2,030.80
000066135	19/09/18	2,743.50
000066136	19/09/18	2,743.50
000066137	19/09/18	1,097.40
		<u>\$8,663.20</u>

5. Payment of each invoice was immediately due upon the Defendant's receipt of each invoice.
6. Credit shall be given for payments made in the sum of \$1.40.
7. Despite contacting the Defendant to request payment on multiple occasions, the amounts due from the Defendant to the Plaintiff have not been paid.
8. Accordingly, the Plaintiff claims liquidated damages in the amount of CI\$8,663.20 in respect of the Unpaid Invoices, together with pre-and post-judgment interest on those damages in accordance with s.34 of the *Judicature Act (2021 Revision)* and the *Judgment Debts (Rates of Interest) Rules, 2012* at the statutory rate of 2.375%, from 19 September 2018. Interest accrued to 1 May 2024 is claimed in the sum of CI\$1,156.72, continuing to accrue at the rate of CI\$0.564 per diem.

AND THE PLAINTIFF CLAIMS:

- (1) Liquidated damages in the sum of CI\$8,663.20;
- (2) Pre- and post-judgment interest on those damages in accordance with s.34 of the *Judicature Act (2021 Revision)* and the *Judgment Debts (Rates of Interest) Rules, 2012* at the statutory rate of 2.375%, from 19 September 2018. Interest accrued to 1 May 2024 is claimed in the sum of CI\$1,156.72, continuing to accrue at the rate of CI\$0.564 per diem.
- (3) Fixed Costs; alternatively, costs to be assessed.
- (4) Such further or other relief as the Court deems just.

DATED this **1st** day of **May 2024**.



Samson Law Associates
Attorneys for the Plaintiff

IN THE SUMMARY COURT OF THE CAYMAN ISLANDS

CAUSE NO: SC ____ OF 2024

BETWEEN:

Telecom Solutions Ltd

PLAINTIFF

AND:

Mr. Wayne Cato

(Trading As Jack’s Esso and Jacks Esso II)

DEFENDANT

ACKNOWLEDGMENT OF SERVICE

1. State Defendant’s name and address –

[Empty rectangular box for defendant's name and address]

2. State whether the Defendant intends to contest the action.

yes no

3. If you do intend to contest the action, in whole or in part, you must set out full particulars of your defence overleaf.

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.

.....
Defendant’s Signature

Dated this [] day of [], 2024.

See Overleaf

This PLAINT was filed by Samson Law Associates, Attorneys-at-Law for the Plaintiff whose address for service is 20 Genesis Close, PO Box 2425, Grand Cayman, KY1-1105, Cayman Islands. (ref: Christopher [redacted] 39-Telecom Solutions Ltd)

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