

IN THE GRAND COURT OF THE CAYMAN ISLANDS

87
CAUSE NO. OF 2006
LEGAL AID CERT. 10/06

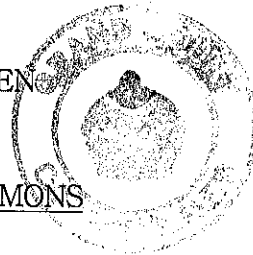
BETWEEN LAURA BORDEN

PLAINTIFF

AND

MANUEL MARTINES BORDEN

DEFENDANT



WRIT OF SUMMONS

TO: Manuel Martinez Borden
No. 14 Firewood Close, off Capt. Joe & Osbert Road
Birch Tree Hill, West Bay
GRAND CAYMAN

THIS WRIT OF SUMMONS 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 Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this day of 2006

NOTE - This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

PARTICULAR OF CLAIM

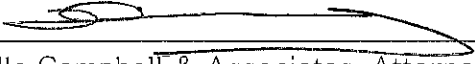
1. The Plaintiff is a resident of West Bay, Grand Cayman, Cayman Islands and has been residing with her mother who is in poor health on her mother's property known as No. 14 Firewood Close, Birch Tree Hill, West Bay, Grand Cayman for the past four (4) years.
2. The Defendant is a resident of West Bay, Grand Cayman, Cayman Islands and the spouse of the Plaintiff.
3. The Plaintiff and Defendant have been married for 19 years their marriage commencing on the 5th day of September 1986.
4. The parties have six children of the marriage, ages ranging from 20 through 4 years of age, three boys and three girls.
5. The Defendant has been pursuing a course of conduct which amounts to harassment and physical abuse of the Plaintiff.
6. The Defendant is a mature adult and ought to know that his course of conduct is unacceptable behaviour.
7. The harassment and physical abuse is potentially dangerous and life threatening to the Plaintiff, as the Defendant has repeatedly hit the Plaintiff and has suffered physical abuse where the Plaintiff was admitted to the hospital for a week with a concussion and bruises over her body.
8. The Defendant embarrasses the Plaintiff in public places by shouting obscenities and threats at the Plaintiff.
9. The Defendant has threatened and punched the Plaintiff on several occasions where the police were called to the scene and the Plaintiff has filed repeated reports and pressed charges against the Defendant.
10. This harassment of the Plaintiff by the Defendant places the Plaintiff in a frustrating position, as she is unable to defend herself because of the distress caused by the Defendant's threats, his dangerous acts and verbal abuse.
11. The Defendant had been incarcerated at the Northward Prison for a period of six months for incidents involving the Plaintiff that put her in the hospital in July 2004.

12. The Defendant is abusive toward the children and the Plaintiff is afraid that the Defendant will now take out his frustration on them.
13. The Plaintiff has stated that the Defendant has been using drugs for the past five (5) years which has escalated his abuse toward her.
14. The Plaintiff has been to the Legal Befrienders Crises Centre on numerous times throughout 1991 to 2006 and the centre found shelter accommodations for her in July 2004.
15. The Defendant stole the Plaintiff's debit card in early January 2006, this account is owned by the Plaintiff's ailing mother and the Defendant has stolen over C\$1,000.00 from the account, by purchasing items from different vendors. This theft has also been reported to the Police and Charges are about to be commenced by the West Bay Police Station against the Defendant.
16. During the last altercation on the 9th day of February 2006, the Defendant forcibly pushed the Plaintiff to the ground to retrieve and take money she had hidden in her bosom in the kitchen while she was feeding the children. The Plaintiff went to the Police Station in West Bay and made a statement of the latest altercation by the Defendant.
17. Due to the various assaults against the Plaintiff, the Defendant has committed a tort by assaulting and harassing the Plaintiff as mentioned in the foregoing incidents.

AND THE PLAINTIFF claims:

1. An injunction restraining the Defendant in the following manner:- with an attached Penal Notice;
 - a. An Order restraining the Defendant from the Plaintiff and the Children at all times and from the home where they presently live;
 - b. For the Defendant to be removed from the premises forthwith and that the Defendant be evicted from the Plaintiff's mothers home be removed pending the outcome of this action;
 - c. For the Defendant not to come within 50 yards of the premises or the Plaintiff;

- d. For the Defendant not to come within 50 yards of the children;
 - e. For the Defendant not to have any contact with the Plaintiff or the Children either directly or indirectly;
 - f. For the monies stolen from the debit card being returned forthwith;
 - g. An Order that the Defendant be evicted.
2. That the Defendant be evicted from the matrimonial where the Plaintiff resides with her mother forthwith;
 3. Any other relief this Honourable Court deems fit.
 4. Costs.



Della Campbell & Associates, Attorneys-at-Law
Attorney - Laura Borden

THIS WRIT was issued by Della Campbell & Associates, Attorneys-at-Law whose address for service is 1428 Trafalgar Place, Suite C4, PO Box 2102 GT, Seven Mile Beach, Grand Cayman, Cayman Islands.