

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 569 OF 2008

In the Matter of s.7(1) of the *Guardianship and Custody of Children Law (1996 Revised)*.

BETWEEN:

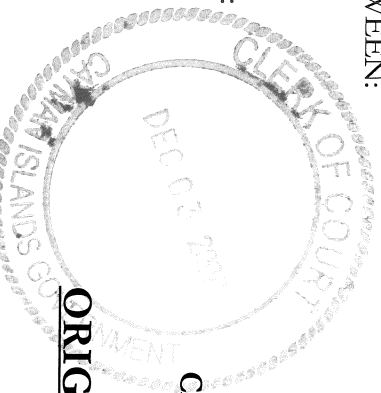
JAMAL D. YOUNG

PLAINTIFF

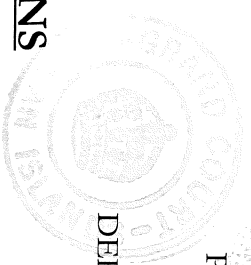
AND:

CARMEN E. MARTINEZ

DEFENDANT



ORIGINATING SUMMONS



LET THE DEFENDANT of 119 Rosedale, Crew Rd. George Town, Grand Cayman attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the day of 2008, at o'clock on the hearing of an application by the Plaintiff of Rankin's Plaza, 21 Eclipse Drive, P.O. Box 10734 Grand Cayman, KY1-1107, Cayman Islands for the following orders:

1. THAT the Plaintiff be appointed as Guardian of the minor child Mikayla Alejandra Young (the "Child") pursuant to s.7(1) of the Guardianship and Custody of Children's Law (as Revised);
2. THAT the Plaintiff and the Defendant share joint custody over the Child;
3. THAT the Defendant is to have day to day care and control of the Child so long as the Defendant remains in the jurisdiction and the Plaintiff is to have access to the child as follows:
 - (a) The Plaintiff shall have access to the Child twice a week for overnight visits on such days to be agreed between the Parties;
 - (b) The Plaintiff shall have overnight access to the Child on two weekends a month;

- (c) The Plaintiff shall have access to the Child on alternate public holidays;
 - (d) The Plaintiff shall have access to the Child every other mid-term, Christmas and Easter Holidays; and
 - (e) The Plaintiff shall have access to the Child for one (1) month during the Summer Holidays;
4. **THAT** in the event the Defendant leaves the jurisdiction to live abroad, for the purposes of access overseas, the Defendant shall have access to the child only as stated in Paragraph 3(c) (d) and (e) above and the Defendant will bear the full costs of travel for the Child, who until she is able to travel alone, will be accompanied by either parent or with any other adult family member as may be agreed between the parties;
5. **THAT** should the Defendant elect to reside in any other jurisdiction, the Defendant is to ensure that a copy of this Order is lodged with the Family Court or equivalent Court or authority in that district of the state where she intends to reside. Proof of compliance of this Paragraph of this Order is to be provided to this Court by return of a copy of the Order so lodged. This requirement is intended for the purposes of securing the assistance, if needs be, of any Court in the full observance of the provisions of this Order in particular as to the custody care and control of the child whenever she may be with the Defendant abroad.
6. **THAT** each party bear one half of the medical, dental, optical and educational expenses reasonably and properly incurred in respect of the Child until the Child attains the age of 18 or until such time as the Child completes full time education whichever is the later;
7. **THAT** a social inquiry report be prepared in respect of this matter should it be deemed necessary
8. **THAT** an order for non-molestation be made in respect of this matter should it be deemed necessary.

9. THAT there be liberty to apply; and
10. THAT there be no order as to costs.

AND LET THE DEFENDANT within fourteen (14) days after service of this Summons on her, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office.

DATED the 3 day of December, 2008.

FILED the day of , 2008



Jamal D. Young

NOTES:-

- (1) This Summons 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 above date unless renewed by order of the Court.
- (2) If a defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

IMPORTANT

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

This **ORIGINATING SUMMONS** is prepared and filed by Jamal Young whose address for service is Rankin's Plaza, 21 Eclipse Drive, P. O. Box 10734 Grand Cayman, KY1-1107, Cayman Islands.

DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE

OF ORIGINATING SUMMONS

The accompanying form of Acknowledgment of Service should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person. After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
4. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Originating Summons)".
5. Where the Defendant is a FIRM and an attorney is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
6. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
7. Where the Defendant is a LIMITED COMPANY the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
8. Where the Defendant is a MINOR or a MENTAL PATIENT, the form must be completed by an Attorney acting for a guardian ad litem.
9. A Defendant acting in person may obtain help in completing the form at the Courts Office.

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JAMAL D. YOUNG

PLAINTIFF

AND:

CARMEN E. MARTINEZ

DEFENDANT

**ACKNOWLEDGEMENT OF SERVICE
OF ORIGINATING SUMMONS**

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

 2. State whether the Defendant intends to contest or otherwise participate in the proceedings (tick appropriate box) yes no

Service of the Originating Summons is acknowledged accordingly

[Attorney] for [Defendant in person]

Address for service:

Notes on address for service

Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.

Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered principal office.

Please complete overleaf

Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Jamal Young
Rankin's Plaza, 21 Eclipse Drive,
P.O. Box 10734 Grand Cayman,
KY1-1107, Cayman Islands.

Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.