

IN THE SUMMARY COURT AT GEORGE TOWN



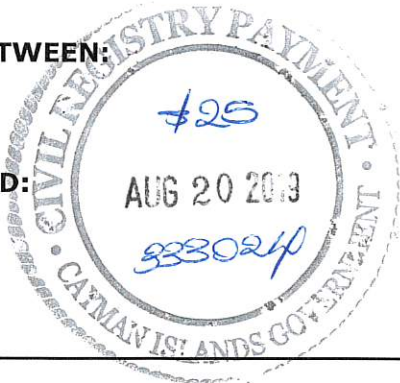
CAUSE NO. SC 175 OF 2019

BETWEEN:

FITZROY WIGNAL

PLAINTIFF

AND:



I.E. CARIBBEAN LTD.

DEFENDANT

PLAINT



TO: The Defendant
I.E. Caribbean Ltd.
P.O. Box 10451
Grand Cayman KY1-1004

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 Complaint 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 20th day of August, 2019

See overleaf for particulars of the Plaintiff's claim

PARTICULARS OF CLAIM

1. The plaintiff's claim is to recover monies due and owing by the defendant to the plaintiff in respect of overtime pay, public holiday pay and annual vacation leave pay payable to the plaintiff pursuant to the provisions of the Labour Law under a contract of employment between the plaintiff and the defendant.
2. The defendant is a company registered in the Cayman Islands under the Companies Law carrying on business in the Cayman Islands with its registered office at P.O. Box 10451, Grand Cayman KY1-1004.
3. The plaintiff was at all material times employed by the defendant in the capacity of a plaster/finisher worker.
4. Sometime in or around 2011, the plaintiff entered into a contract of employment with the defendant under which the plaintiff's rate of pay was US\$13.50 per hour. The plaintiff's rate of pay was increased to US\$14.50 per hour in January, 2014.

Unpaid Overtime Pay

5. The plaintiff worked in excess of 45 hours for each week for the period December 2011 to February 2019.
6. Pursuant to section 25 of the Labour Law, the plaintiff was entitled to receive from the defendant overtime pay at 1.5 times his basic pay for every hour in excess of 9 hours worked in a day and in excess of 45 hours in a week.
7. In breach of Section 25 of the Labour Law, the plaintiff was only paid his basic hourly rate for the hours worked in excess of 45 hours each week, and not 1.5 times his basic pay as prescribed by the Labour Law.
8. The sum of US\$13,928.78 is due and payable by the defendant to the plaintiff in respect of overtime pay for the period 15 August 2013 to February 2019.
9. The plaintiff's claim in respect of unpaid overtime pay is particularized at pages 1 to 7 of the schedule attached thereto.

Unpaid Public Holiday Pay

10. The defendant worked his scheduled workdays immediately before and after each Cayman Islands public holiday for the period November, 2013 to April 2019.
11. Pursuant to Section 16 of the Labour Law, the plaintiff was entitled to receive his basic pay in respect of each public holiday for this period.
12. In breach of Section 16 of the Labour Law, the defendant has failed and/or refused to pay to the plaintiff public holiday pay for the above period. In the circumstances the sum of US\$7,402.50 is due and owing by the defendant to the plaintiff in respect of public holiday pay.
13. The plaintiff's claim for unpaid public holiday pay is particularized at pages 8 to 9 of the schedule attached hereto.

Unpaid Vacation Leave Pay

14. As at December 2016 the plaintiff was employed to the defendant for five (5) years. Pursuant to section 14(3) of the Labour Law, the plaintiff was entitled to 3 weeks' paid vacation leave. However, since December 2016, the defendant has paid only two weeks' vacation leave pay to the defendant.
15. In breach of the Section 14(3) of the Labour Law, the defendant has failed and/or refused to pay to the plaintiff one week's vacation leave pay due of US\$652.50 for each year from December, 2016 to December, 2018. Therefore, the sum of US\$1,957.50 is due from the defendant to the plaintiff in respect of unpaid vacation leave pay.
16. The plaintiff's claim for unpaid vacation leave pay is particularized at page 10 of the schedule attached hereto.

Total Claim

17. Based on the foregoing, the sum of US\$23,288.78 is due from the defendant to the plaintiff as follows:

Overtime Pay	\$13,928.78
Public Holiday Pay	\$7,402.50
Vacation Leave Pay	\$1,957.50

18. On 28 May 2019, demand was made on behalf of the plaintiff to the defendant in respect of the sums due, but the defendant has failed to monies due and owing to the plaintiff.
19. Further, the plaintiff claims interest on the above sum of US\$23,288.78 at the rate of 2 3/8% per annum or US\$1.52 per day pursuant to the Judicature Law (2017 Revision) and the Judgment Debts (Rates of Interest) Rules as amended from time to time from 28 May 2019 to the date payment.

20. **STATEMENT REGARDING INTEREST**

- a) The Plaintiff seeks pre and post judgment interest from 28 May 2019 at the rate of 2 3/8% on the sum owing and in accordance with the provisions of the Judicature Law (2013 Revision) and the Judgment Debt (Rates of Interest) Rules as amended from time to time.
- b) The interest rate claimed is 2 3/8%.
- c) Interest is claimed on the principal sum of US\$23,288.78 from 28 May 2019.
- d) The amount of interest owing from 28 May 2019 to the date of filing of this Plaintiff is US\$129.20.
- e) The amount of interest accruing each day from 21 August 2019 is US\$1.52.

AND THE PLAINTIFF CLAIMS

- The sum of US\$23,288.78;
- Interest;
- Costs or alternatively fixed costs in the sum of KY\$200.00 plus filing fees and bailiff's fee for service;
- Such further or other relief that the Court deems just.



KSG Attorneys-at-Law
Attorneys for the Plaintiff

ENDORSEMENT

If within the time for returning Acknowledgement of Service the Defendants pay to the Plaintiff's Attorneys-at-Law the total amount claimed of US\$23,288.78, filing fee, interest and costs all further proceedings will be stayed.

Plaintiff's address for service:

4th Floor Harbour Centre
42 North Church Street
PO Box 2255
George Town, KY1-1107

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2019

BETWEEN:

FITZROY WIGNAL

PLAINTIFF

AND:

I.E. CARIBBEAN LTD.

DEFENDANT

SCHEDULE TO STATEMENT OF CLAIM

UNPAID OVERTIME PAY

Time Period	Hours Worked	Overtime	Pay Received	Pay Due	Balance
15-21 August 2013	61	16	\$823.50	\$931.50	\$108.00
19-25 Sep 2013	62.5	17.5	\$843.75	\$961.87	\$118.12
26 Sep - 2 Oct 2013	46.5	1.5	\$627.75	\$637.87	\$10.12
3-9 Oct 2013	61	16	\$823.50	\$931.50	\$108.00
17-22 Oct 2013	85.5	40.5	\$1,154.25	\$1,427.62	\$273.37
7-13 Nov 2013	52.5	7.5	\$708.75	\$759.37	\$50.62
14-20 Nov 2013	58.5	13.5	\$789.75	\$880.87	\$91.12
5-11 Dec 2013	46.5	1.5	\$627.75	\$637.39	\$10.12
12-18 Dec 2013	61.5	16.5	\$830.25	\$941.62	\$111.37
9-15 Jan 2014	48	3	\$696.00	\$717.75	\$21.75
23-29 Jan 2014	46.5	1.5	\$674.25	\$685.12	\$10.87
30 Jan -5 Feb 2014	48	3	\$696.00	\$717.75	\$21.75

8-14 May 2014	54	9	\$729.00	\$789.75	\$60.75
27 Nov - 3 Dec 2014	85	40.5	\$1,239.75	\$1,533.37	\$293.62
4-10 Dec 2014	48	3	\$696.00	\$717.75	\$21.75
26 Feb - 4 Mar 2015	64.5	19.5	\$935.25	\$1,076.62	\$141.37
5-11 Mar 2015	46.5	1.5	\$674.25	\$685.12	\$10.87
12-18 Mar 2015	50.5	5.5	\$732.25	\$772.12	\$39.87
19-25 Mar 2015	53	8	\$768.50	\$826.50	\$58.00
23-31 May 2015	47.5	2.5	\$688.75	\$706.87	\$18.12
9-15 Apr 2015	55.5	10.5	\$804.75	\$880.87	\$76.12
16-22 Apr 2015	49.5	4.5	\$717.75	\$783.00	\$65.25
23-29 Apr 2015	53.5	8.5	\$775.75	\$837.37	\$61.62
30 Apr - 6 May 2015	48	3	\$696	\$717.75	\$21.75
7-13 May 2015	53.5	8.5	\$775.75	\$837.37	\$61.62
14-20 May 2015	49.5	4.5	\$717.75	\$783.00	\$65.25
21-27 May 2015	49.5	4.5	\$717.75	\$783.00	\$65.25
16-22 Jul 2015	53.5	8.5	\$775.75	\$837.37	\$61.62
23-29 Jul 2015	47.5	2.5	\$688.75	\$706.87	\$18.12
30 Jul - 5 Aug 2015	64	19	\$928.00	\$1,065.75	\$137.75
6-12 Aug 2015	53.5	8.5	\$775.75	\$837.37	\$61.62
20-26 Aug 2015	52.5	7.5	\$761.25	\$814.62	\$53.37
3-9 Sep 2015	56	11	\$812.00	\$891.75	\$79.75
24-30 Sep 2015	56.5	11.5	\$819.25	\$902.62	\$83.37
1-7 Oct 2015	53.5	8.5	\$775.75	\$837.37	\$61.62
8-14 Oct 2015	62	17	\$899.00	\$1,022.25	\$123.25

15-21 Oct 2015	62	17	\$899.00	\$1,022.25	\$123.25
22-28 Oct 2015	56.5	11.5	\$819.25	\$902.62	\$83.37
29 Oct - 4 Nov 2015	56.5	11.5	\$819.25	\$902.62	\$83.37
5-11 Nov 2015	63	18	\$913.50	\$1,044.00	\$130.50
12-18 Nov 15	56	11	\$812.00	\$891.75	\$79.75
19-25 Nov 2015	63	18	\$913.50	\$1,044.00	\$130.50
26 Nov - 2 Dec 2015	49.5	4.5	\$717.75	\$783.00	\$65.25
3-9 Dec 2015	53	8	\$768.50	\$826.50	\$58.00
10-16 Dec 2015	70.5	25.5	\$1,022.25	\$1,207.12	\$184.87
17-23 Dec 2015	47	2	\$681.50	\$696.00	\$14.50
31 Dec - 6 Jan 2016	47	2	\$681.50	\$696.00	\$14.50
7-13 Jan 2016	66	21	\$957.00	\$1,109.25	\$152.25
14-20 Jan 2016	56.5	11.5	\$819.25	\$902.62	\$83.37
21-27 Jan 2016	55.5	10.5	\$804.75	\$880.87	\$76.12
28 Jan - 3 Feb 2016	59.5	14.5	\$862.75	\$967.87	\$105.12
4-10 Feb 2016	52	7	\$754.00	\$804.75	\$50.75
11-17 Feb 2016	66	21	\$957.00	\$1,109.25	\$152.25
18-24 Feb 2016	71	26	\$1,029.50	\$1,218.00	\$188.50
25 Feb - 2 Mar 2016	65.5	20.5	\$949.75	\$1,098.37	\$148.62
3-9 Mar 2016	69.5	24.5	\$1,007.75	\$1,185.37	\$177.62
10-18 Mar 2016	53.5	8.5	\$775.75	\$837.37	\$61.62
17-23 Mar 2016	50	5	\$725.00	\$761.25	\$36.25
24-30 Mar 2016	53.5	8.5	\$775.75	\$837.37	\$61.62
31 Mar - 6 Apr 2016	66	21	\$957.00	\$1,109.25	\$152.25

7-13 Apr 2016	58	13	\$841.00	\$935.25	\$94.25
14-20 Apr 2016	71	26	\$1,029.50	\$1,218.00	\$188.50
21-27 Apr 2016	67	22	\$971.50	\$1,131.00	\$159.50
28 Apr - 4 May 2016	71.5	26.5	\$1,036.75	\$1,228.87	\$192.12
5-11 May 2016	77.5	32.5	\$1,123.75	\$1,359.37	\$235.62
12-18 May 2016	75.5	30.5	\$1,094.75	\$1,315.87	\$221.12
19-25 May 2016	62	17	\$899.00	\$1,022.25	\$123.25
26 May- 1 Jun 2016	72	27	\$1,044.00	\$1,239.75	\$195.75
2-8 Jun 2016	73	28	\$1,058.50	\$1,261.50	\$203.00
9-15 Jun 2016	65	20	\$942.50	\$1,087.50	\$145.00
16-22 Jun 16	70.5	25.5	\$1,022.25	\$1,207.12	\$184.87
23-29 Jun 2016	73.5	28.5	\$1,065.75	\$1,272.37	\$206.62
30 Jun - 6 Jul 2016	69.5	24.5	\$1,007.75	\$1,185.37	\$177.62
7-13 Jul 2016	68.5	23.5	\$993.25	\$1,163.62	\$170.37
14-20 Jul 2016	69	24	\$1,000.50	\$1,174.50	\$174.00
21-27 Jul 2016	53	8	\$768.50	\$826.50	\$58.00
28 Jul - 3 Aug 2016	74.5	29.5	\$1,080.25	\$1,294.12	\$213.87
4-10 Aug 2016	68.5	23.5	\$993.25	\$1,163.62	\$170.37
11-17 Aug 2016	59	14	\$855.50	\$957.00	\$101.50
18-24 Aug 2016	62	17	\$899.00	\$1,022.25	\$123.25
25-31 Aug 2016	63	18	\$913.50	\$1,044.00	\$130.50
1-7 Sept 2016	61	16	\$884.50	\$1,000.50	\$116.00
8-14 Sep 2016	64	19	\$928.00	\$1,065.75	\$137.75
15-21 Sep 2016	60	15	\$870.00	\$978.75	\$108.75

22-28 Sep 2016	59	14	\$855.50	\$957.00	\$101.50
29 Sep - 5 Oct 2016	SS	10	\$797.50	\$870.00	\$72.50
6-12 Oct 2016	so	5	\$725.00	\$761.25	\$36.25
13-19 Oct 2016	so	5	\$725.00	\$761.25	\$36.25
20-26 Oct 2016	so	5	\$725.00	\$761.25	\$36.25
3-9 Nov 2016	50	5	\$725.00	\$761.25	\$36.25
10-16 Nov 2016	52	7	\$754.00	\$804.75	\$50.75
24-30 Nov 2016	46	1	\$667.00	\$674.25	\$7.25
1-7 Dec 2016	46	1	\$667.00	\$674.25	\$7.25
19-25 Jan 2017	54	9	\$783.00	\$848.25	\$65.25
26 Jan - 1 Feb 2017	55	10	\$797.50	\$870.00	\$72.50
9-15 Feb 2017	53	8	\$768.50	\$826.50	\$58.00
16-22 Feb 2017	50	5	\$725.00	\$761.25	\$36.25
2-8 Mar 2017	50	5	\$725.00	\$761.25	\$36.25
9-15 Mar 2017	53	8	\$768.50	\$826.50	\$58.00
16-22 Mar 2017	54	9	\$783.00	\$848.25	\$65.25
23-29 Mar 2017	54	9	\$783.00	\$848.25	\$65.25
30 Mar - 5 Apr 2017	53	8	\$768.50	\$826.50	\$58.00
6-12 Apr 2017	54	9	\$783.00	\$848.25	\$65.25
13-19 Apr 2017	54	9	\$783.00	\$848.25	\$65.25
20-26 Apr 2017	54	9	\$783.00	\$848.25	\$65.25
27 Apr - 3 May 2017	56	11	\$812.00	\$891.75	\$79.75
4-10 May 2017	54	9	\$783.00	\$848.25	\$65.25
25-31 May 2017	53	8	\$768.50	\$826.50	\$58.00
1-7 Jun 2017	53	8	\$768.50	\$826.50	\$58.00

15-27 Jun 2017	53	8	\$768.50	\$826.50	\$58.00
22-28 Jun 2017	55	10	\$797.50	\$870.00	\$72.50
29 Jun - 5 Jul 2017	53	8	\$768.50	\$826.50	\$58.00
7-12 Jul 2017	54	9	\$783.00	\$848.25	\$65.25
13-19 Jul 2017	64	19	\$942.50	\$1,080.25	\$137.75
20-26 Jul 2017	56	11	\$812.00	\$891.75	\$79.75
27 Jul - 2 Aug 2017	56	11	\$812.00	\$891.75	\$79.75
3-9 Aug 2017	57	12	\$826.50	\$913.50	\$87.00
10-16 Aug 2017	77	32	\$1,116.50	\$1,348.50	\$232.00
17-23 Aug 2017	59	14	\$855.50	\$957.00	\$101.50
24-30 Aug 2017	75	30	\$1,087.50	\$1,305.00	\$217.50
31 Aug -6 Sept 2017	58	13	\$841.00	\$935.25	\$94.25
7-13 Sep 2017	55	10	\$797.50	\$870.00	\$72.50
14-20 Sep 2017	51	6	\$739.50	\$783.00	\$43.50
21-27 Sep 2017	so	5	\$725.00	\$761.25	\$36.25
28 Sep -4 Oct 2017	53	8	\$768.50	\$826.50	\$58.00
5-11 Oct 2017	50	5	\$725.00	\$761.25	\$36.25
12-18 Oct 2017	53	8	\$768.50	\$826.50	\$58.00
19-25 Oct 2017	52	7	\$754.00	\$804.75	\$50.75
26 Oct - 1 Nov 2017	47	2	\$681.50	\$696.00	\$14.50
2-8 Nov 2017	51	6	\$739.50	\$783.00	\$43.50
9-15 Nov 2017	46	1	\$667.00	\$674.25	\$7.25
16-22 Nov 2017	51	6	\$739.50	\$783.00	\$43.50
23-29 Nov 2017	50	5	\$725.00	\$761.25	\$36.25

30 Nov - 6 Dec 2017	49	4	\$710.50	\$739.50	\$29.00
14-20 Dec 2017	50	5	\$725.00	\$761.25	\$36.25
19-25 Apr 2018	53	8	\$768.50	\$826.50	\$58.00
7-13 Jun 2018	50	5	\$725.00	\$761.25	\$36.25
14-20 Jun 2018	60	15	\$870.00	\$978.75	\$108.75
21-27 Jun 2018	71.5	26.5	\$1,036.75	\$1,228.87	\$192.12
28 Jun - 4 Jul 2018	93	48	\$1,348.50	\$1,696.50	\$348.00
5-11 Jul 2018	57	12	\$826.50	\$913.50	\$87.00
30 Aug - 5 Sep 2018	53	8	\$768.50	\$826.50	\$58.00
13-19 Sep 2018	59	14	\$855.50	\$957.00	\$101.50
20-26 Sep 2018	62	17	\$899.00	\$1,022.25	\$123.25
27 Sep - 3 Oct 2018	58.5	13.5	\$848.25	\$946.12	\$97.87
4-10 Oct 2018	52.5	7.5	\$761.25	\$815.62	\$54.37
11-17 Oct 2018	62	17	\$899.00	\$1,022.25	\$123.25
18-24 Oct 2018	57	12	\$826.50	\$913.50	\$87.00
25-31 Oct 2018	64	19	\$928.00	\$1,065.75	\$137.75
31 Jan - 6 Feb 2019	50	5	\$725.00	\$761.25	\$36.25
7-13 Feb 2019	50	5	\$725.00	\$761.25	\$36.25
14-20 Feb 2019	61	16	\$884.50	\$1,000.50	\$116.00
				Total	\$13,928.78

UNPAID PUBLIC HOLIDAY PAY

Time Period	Public Holiday	Amount Due
7-13 Nov 2013	Remembrance Day	\$121.50
19-25 Dec 2013	Christmas Day	\$121.50
26 Dec – 1 Jan 2014	Boxing Day	\$121.50
2-8 Jan 2014	New Year's Day	\$121.50
23-29 Jan 2014	National Heroes Day	\$130.50
27 Feb -5 Mar 2014	Ash Wednesday	\$130.50
17-23 Apr 2014	Good Friday	\$130.50
17-23 Apr 2014	Easter Monday	\$130.50
15-21 May 2014	Discovery Day	\$130.50
12-18 Jun 2014	Queen's Birthday	\$130.50
3-9 Jul 2014	Constitution Day	\$130.50
6-12 Nov 2014	Remembrance Day	\$130.50
18-31 Dec 2014	Christmas Day	\$130.50
18-31 Dec 2014	Boxing Day	\$130.50
31 Dec - 7 Jan 2015	New Year's Day	\$130.50
22-28 Jan 2015	National Heroes Day	\$130.50
12-19 Feb 2015	Ash Wednesday	\$130.50
2-8 Apr 2015	Good Friday	\$130.50
2-8 Apr 2015	Easter Monday	\$130.50
14-20 May 2015	Discovery Day	\$130.50
11-17 Jun 2015	Queen's Birthday	\$130.50
2-8 Jul 2015	Constitution Day	\$130.50
5-11 Nov 2015	Remembrance Day	\$130.50
24-30 Dec 2015	Christmas Day	\$130.50
24 30 Dec 2015	Boxing Day	\$130.50
31 Dec – 6 Jan 2016	New Year's Day	\$130.50
21-27 Jan 2016	National Heroes Day	\$130.50
4-11 Feb 2016	Ash Wednesday	\$130.50

24-30 Mar 2016	Good Friday	\$130.50
24-30 Mar 2016	Easter Monday	\$130.50
12-18 May 2016	Discovery Day	\$130.50
9-15 Jun 2016	Queen's Birthday	\$130.50
30 Jun – 6 Jul 2016	Constitution Day	\$130.50
10-16 Nov 2016	Remembrance Day	\$130.50
19-25 Jan 2017	National Heroes Day	\$130.50
23 Feb – 2 Mar 2017	Ash Wednesday	\$130.50
13-19 Apr 2017	Good Friday	\$130.50
13-19 Apr 2017	Easter Monday	\$130.50
11-17 May 2017	Discovery Day	\$130.50
18-25 May 2017	General Election Day	\$130.50
15-21 Jun 2017	Queen's Birthday	\$130.50
30 Jun – 5 Jul 2017	Constitution Day	\$130.50
9-15 Nov 2017	Remembrance Day	\$130.50
18-24 Jan 2018	National Heroes Day	\$130.50
8-15 Feb 2018	Ash Wednesday	\$130.50
29 Mar – 4 Apr 2018	Good Friday	\$130.50
29 Mar – 4 Apr 2018	Easter Monday	\$130.50
17-23 May 2018	Discovery Day	\$130.50
7-13 Jun 2018	Queen's Birthday	\$130.50
28 Jun – 4 Jul 2018	Constitution Day	\$130.50
8-14 Nov 2018	Remembrance Day	\$130.50
20-27 Dec 2018	Christmas Day	\$130.50
20-27 Dec 2018	Boxing Day	\$130.50
27 Dec – 2 Jan 2019	New Year's Day	\$130.50
24-30 Jan 2019	National Heroes Day	\$130.50
28 Feb – 7 Mar 2019	Ash Wednesday	\$130.50
27 Mar – 3 Apr 2019	Prince Day	\$130.50
	Total Amount Due	\$7,402.50

UNPAID VACATION LEAVE PAY

Dec 22, 2016	One Week	\$652.50
Dec 15, 2017	One Week	\$652.50
Dec 12, 2018	One Week	\$652.50
	Total	\$1957.50

IN THE SUMMARY COURT

CAUSE NO. SC OF 2019

BETWEEN:

FITZROY WIGNAL

PLAINTIFF

AND:

I.E. CARIBBEAN LTD.

DEFENDANT

ACKNOWLEDGMENT OF SERVICE

1 State Defendant's name and address -

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.

Defendant's Signature

Dated this _____ day of _____ 20____

See Overleaf

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.