



MARY COURT AT GEORGE TOWN

Cause No. SC \_\_\_\_\_ of 20\_\_

DELINEN v. BURLINGTON

Plaintiff

AND:

KYLE C. JACKSON

Defendant

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**Plaint**

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**TO THE DEFENDANT**

PO Box 78

Grand Cayman, KY1-1501

Cayman Islands

**THIS PLAINT** has been issued against your by the above – named Plaintiff in respect of the claim set out on the next page.

**Within 14 days** after service of this **Plaint** 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 21 day of JUNE 2023

See overleaf for particulars of the Plaintiff's claim

**PARTICULARS OF CLAIM**

(Here set out in numbered paragraphs the grounds upon which the Plaintiff claims that the Defendant is indebted to him or is liable to pay damages to him).

1. I am the Plaintiff and I am employed as a Civil Servant.
2. The defendant is employed by a Watersports company.
3. On or around 25<sup>th</sup> July, 2022 the Plaintiff loaned the Defendant his 16' center console Carolina Skiff, herein after referred to as "the boat" in Little Cayman.
4. While the boat was in the defendant's possession the defendant acted carelessly with the boat and somehow the boat in its entirety was submerged underwater including the engine and the entire boat (minus the hull) was damaged.
5. On 31<sup>st</sup> July, 2022 the Plaintiff and the Defendant met to go over the damages and they entered into and signed an Agreement.
6. The meeting held of 31<sup>st</sup> July, 2022 was recorded as agreed to by all parties present.
7. Due to the damage caused by the Defendant on or around 25<sup>th</sup> July, 2022, the cost to have the boat repaired is CI\$6,340.90
8. Whereas the agreement stated the Defendant would have all items listed in the agreement paid for on or by 90 days from the date of agreement / 30<sup>th</sup> October, 2022, to which the Defendant has failed to repay for the repairs which the sums remain due and owing.
9. On 3<sup>rd</sup> October, 2022, the Plaintiff had a USB memory stick with meeting recording and the agreement dated 31<sup>st</sup> July, 2022 served on the Defendant by a process server.
10. Again, to date, the Defendant has made no attempt to settle the debt owed and has failed to honour the agreement and sums remains due and owing.

AND the Plaintiff therefore prays:

1. The sum of CI\$6,340.90
2. Interest in the sum of CI\$.087 per day
3. Interest to continue to accrue until this matter is settled
4. Bailiff fees
5. Fixed costs of \$150.00, alternatively costs to be assessed.

**Derren W. Burlington**

**Plaintiff's Address for Service:**

24 Mona Lisa Way  
Grand Cayman,

IN THE SUMMARY COURT AT GEORGE TOWN

Cause No. SC \_\_\_\_\_ of 20\_\_

**BETWEEN:**

DERREN W. BURLINGTON

Plaintiff

**AND:**

KYLE C. JACKSON

Defendant

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**ACKNOWLEDGEMENT OF SERVICE**

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1 State Defendant's name and address -

2 State whether the Defendant intends to contest the action.

YES       NO

3 If you do not intent 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\_\_

**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)

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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.