

IN THE GRAND COURT OF THE CAYMAN ISLANDS

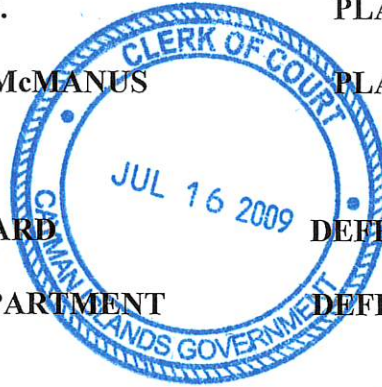
CAUSE NO. 0342 OF 2009

BETWEEN: ANDROGROUP LTD. PLAINTIFF (1)

VICTORIA CROFT-McMANUS PLAINTIFF (2)

AND: WORK PERMIT BOARD DEFENDANT (1)

IMMIGRATION DEPARTMENT DEFENDANT (2)



EX PARTE APPLICATION FOR LEAVE
TO APPLY FOR JUDICIAL REVIEW
(GCR O.53, r.3)

To the Clerk of the Court, Law Courts, George Town, Cayman Islands	
Name, address and description of Applicants	(1) ANDROGROUP LTD. of 20 Somerset Drive, P.O. Box 10051, George Town, Cayman Islands; and (2) VICTORIA CROFT-McMANUS, of 20 Somerset Drive, P.O. Box 10051, George Town, Cayman Islands.
Judgment, order, decision or other proceeding in respect of which relief is sought	(1) The decision of the First Defendant made on or about 23 June 2009 to revoke, amend, render null and void or otherwise change its decision in respect of the renewal of the grant of a work permit for the Second Plaintiff in the

employ of the First Plaintiff; such previous decision having been made by the First Defendant on or before 19 June 2009 renewing the Second Plaintiff's work permit until 14 June 2010.

(2) The decision of the First Defendant made on or about 23 June 2009 to reject the First Plaintiff's application for key employee status for the Second Plaintiff;

(3) The decision of the First Defendant on or about 23 June 2009 to order the Second Plaintiff to vacate the Cayman Islands failing which she will be removed therefrom by the Second Defendant; and

(4) The failure of the First Defendant to give any or any proper reasons for the above decisions.

Relief Sought

1. An Order of *Certiorari* to quash the decision of the First Defendant made on or about 23 June 2009 to revoke, amend, render null and void or otherwise change its decision in respect of the renewal of the grant of a work permit for the Second Plaintiff.

2. An Order of *Certiorari* to quash the decision of the First Defendant made on or about 23 June 2009 to reject the First Plaintiff's application for key employee

status for the Second Plaintiff

3. An Order of *Certiorari* to quash the decision of the First Defendant made on or about 23 June 2009 to order the Second Plaintiff to vacate the Cayman Islands

4. An Order of Mandamus to compel the First Defendant to provide full and detailed reasons for the said decisions.

5. A Declaration that the said decisions by the First Defendant were unlawful and/or unreasonable.

6. An Order permitting the Plaintiff to continue to work by operation of law and reside in the Cayman Islands until the determination of this application and any subsequent review proceedings if leave is granted to bring the same.

7. An Injunction prohibiting the Second Defendant, its servants or agents from arresting, disturbing or otherwise preventing the Second Plaintiff from carrying out such gainful occupation within the Cayman Islands or removing the Second Plaintiff from the Islands until further Order of the Court or pending determination of the matter, whichever is sooner.

8. Further and/or other relief; and

9. Costs.

	<p>DIAMOND LAW ASSOCIATES 4TH FLOOR, CARDINAL PLAZA, CARDINALL AVENUE, PO BOX 2887 GT, GEORGE TOWN, CAYMAN ISLANDS, TEL: 769-9352, FAX: 769-4352, E-MAIL: <u>INFO@DLA.KY</u>, (REF DLA/SND/1508)</p>
<p>Signed:</p> <p>_____</p> <p>DIAMOND LAW ASSOCIATES</p>	<p>Dated: 9 July 2009</p>

GROUND ON WHICH RELIEF IS SOUGHT

The Plaintiffs rely on the following grounds:

A. AS AGAINST THE DEFENDANTS

1. Illegality: The said decisions of the First Defendant were contrary to the Immigration Law and the principles of Natural Justice.

2. Illegality / Abuse of process / Procedural unfairness: At all times prior to the communication of 23 June 2009, the Work Permit Board had communicated to the First and Second Plaintiffs that the Second Plaintiff's work permit was extended to 14 June 2010 and the First and Second Defendants in fact granted a renewal of the work permit to commence on the 19 June 2009 and expiring on 14 June 2010, as evidenced by *inter alia* the Second Defendant's stamping of the Second Plaintiff's passport to that effect, the issue by the Second Defendant of a receipt for the payment of the work permit fee for same and the publication on the Second Defendant's website of the grant of same;

3. Legitimate Expectation: In communicating to the First and Second Plaintiffs at all relevant times prior to the communication of 23 June 2009 (re: the rejection of the First Plaintiff's application for key employee status for the Second Plaintiff) that the Second Plaintiff's work permit was valid and would expire on 14 June 2010, the First (alternatively Second or both) Defendants created a legitimate expectation in the Plaintiffs that the said work permit was valid until 14 June 2010 as stated and that the effect of the Law was to allow the Second Plaintiff to work in the legal employ of the First Plaintiff up to that date;
4. Unreasonableness and/or irrationality: The decisions of the First Defendant to reject the First Plaintiff's application for key employee status for the Second Plaintiff and to revoke the previous grant of a work permit was unreasonable and/or irrational in all the circumstances;
5. Unreasonableness and/or Procedurally Unfair: The decision of the First Defendant to direct the Second Plaintiff to vacate the Cayman Islands is unreasonable and or unfair in all the circumstances including that the Second Plaintiff was at that time over 8 months pregnant and prohibited from travelling on medical grounds;
6. Failure to give any or any adequate reasons for the decision: The First Defendant failed to give the Plaintiffs any or any adequate full and detailed reasons for the decision to revoke the previous grant of a work permit or to reject the First Plaintiff's application for key employee status for the Second Plaintiff;

B. OTHER AND FURTHER GROUNDS AND ORDERS

1. GCR Order 53, Rule 4(1) – Time Limit for Application

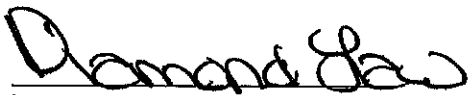
The application is made at the earliest opportunity and within the time limits imposed by GCR Order 53, Rule 4(1).

2. The Plaintiffs will further rely on the Affidavit of the Second Plaintiff sworn herein as providing further and other grounds upon which Relief is sought and will apply to or will amend the Notice of Motion in due course as permitted by GCR Order 53, rule 6(2), if necessary, required or ordered by the Court.

3. The Plaintiffs hereby apply for an Order permitting the Second Plaintiff to engage in gainful employment on the same terms and conditions of her previous work permit pending hearing of the matter and injuncting the Defendant, its servants or agents from arresting, disturbing or otherwise preventing the Second Plaintiff to carry out such gainful occupation within the Islands and removing the Second Plaintiff from the Islands until further Order of the Court or pending hearing of the matter, whichever is sooner.

4. The Plaintiffs reserve the right to amend should the Defendants or either of them provide written reasons for their decisions and actions.

Dated: 15 July 2009


DIAMOND LAW ASSOCIATES
Attorneys for the Plaintiffs

THIS APPLICATION was filed by DIAMOND LAW ASSOCIATES, Attorneys for the Plaintiffs whose address for service is 4th Floor, Cardinal Plaza, Cardinal Avenue, PO Box 2887 GT, George Town, KY1-1112, Cayman Islands, Tel: 769-9352, Fax: 769-4352, E-mail: info@dla.ky, (Ref DLA/SND/1508).