

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CIVIL DIVISION

CAUSE NO : CIV 408 OF 2011

BETWEEN:



MYRON GUSHLAK

PLAINTIFF

AND:

CABLE AND WIRELESS (CAYMAN ISLANDS) LIMITED

DEFENDANT

ORIGINATING SUMMONS



TO: Cable and Wireless (Cayman Islands) Limited

LET THE DEFENDANT, Cable and Wireless (Cayman Islands) Limited, within 14 days after service of this Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Courts office, P.O. Box 495, George Town, Grand Cayman.

BY THIS SUMMONS, which is issued on the application of the Plaintiff, Myron Gushlak c/o Samson and McGrath, Attorneys at Law, 5<sup>th</sup> Floor, Genesis Building, George Town, Grand Cayman seeks the defendant pursuant to the inherent jurisdiction of the Court and the principle established in Norwich Pharmacal Co v Customs and Excise Commissioners [1974] AC 133 to:

1. Make and serve upon the plaintiff within 2 working days of the service of this Order by a proper officer a witness statement containing:
  - 1.1 A list of and copies of all documents improperly disclosed by the defendant to a third party in relation to accounts 2000526/0000 and 2000526/0100.
  - 1.2 The dates and times when all improper disclosures were made.
  - 1.3 The identity of the third party to whom all documents were improperly disclosed.
  - 1.4 The identity of the employee of the defendant who improperly disclosed the plaintiff's confidential documents.

Because the plaintiff is considering issuing proceedings for breach of the plaintiff's confidential information and disclosure is necessary to ascertain the identity of the party to whom the confidential information was disclosed and the precise contents of the documents disclosed.

Dated the 13<sup>th</sup> day of October 2011

A handwritten signature in black ink, appearing to read "Samson and McGrath".

Samson and McGrath  
Attorneys at Law for the Plaintiff

If the Defendant does not acknowledge service, such judgment may be given or order made against or in relation to him as the Court may think just and expedient.

NOTE - 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 that date unless renewed by order of the Court.

**IMPORTANT**

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

**Acknowledgement of service of originating summons (0.10, r.5)**

**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.



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

Samson & McGrath  
5<sup>th</sup> Floor Genesis Building  
PO Box 446  
Grand Cayman KY1 – 1106  
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.