

IN THE GRAND COURT OF THE CAYMAN ISLANDS

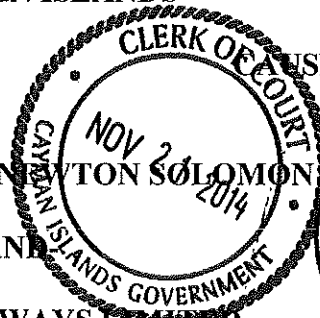
BETWEEN:

ALFRED ROBERT NEWTON SOLOMON

-AND-

CAYMAN AIRWAYS LIMITED

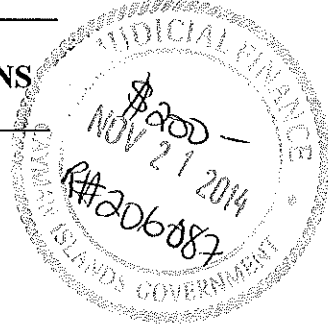
Case No. GD256 OF 2014



Plaintiff

Defendant

WRIT OF SUMMONS



TO: Cayman Airways Limited
P.O. Box 1101
Grand Cayman
Cayman Islands

THIS WRIT OF SUMMONS 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 the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495, George Town, Grand Cayman, KY1-1106 the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this day of 2014

NOTE – This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of jurisdiction, 6 months) beginning with the date of issue unless renewed by order of the Court.

IMPORTANT

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

GENERAL INDORSEMENT

The Plaintiff is a Caymanian pilot whose employment with the Defendant commenced in November 1999. During the course of his employment the Plaintiff was involved in conflicts with Captain Steven Coe ("Coe") and Captain Steve Scott ("S. Scott") concerning the Plaintiff's efforts to seek the opportunity to be promoted to the rank of Captain. The conflicts did not arise from the capabilities of the Plaintiff as a pilot. The Defendant was aware of the conflicts and the hostility exhibited towards the Plaintiff.

Despite the conflicts with Coe and S. Scott, the Plaintiff obtained the rank of Captain in November 2011.

In February 2012, the Plaintiff was suspended as a result of an allegation made by S. Scott and Coe that during a flight in which the Plaintiff and Coe were flying and S. Scott observing that the Plaintiff had not executed a go-around as smoothly as it should have been performed. In a letter subsequently written by Coe he said that he had addressed the matter with Captain Dave Scott ("D. Scott") the VP of Flight Operations and cousin of S. Scott. Coe stated that he had made a collective decision with D. Scott to immediately demote the Plaintiff to First Officer. That decision was made prior to the Plaintiff being given any opportunity to address the allegation. The Plaintiff was suspended and an investigation took place into the allegations of Coe and to the best of the knowledge of the Plaintiff the result of that investigation was that the allegations of Coe and S. Scott did not accord with the flight information. The Plaintiff was never provided the results of the investigation but he was permitted to resume flying as Captain.

In October 2013, the Plaintiff underwent a proficiency check and was informed by Coe, who conducted the check, that he had failed. This was surprising as the Plaintiff's training records for the previous fourteen years showed a perfect training history with reports ranging from outstanding to satisfactory for all previous training proficiency checks. Further the Plaintiff had flown hundreds of flights over his fourteen-year career for the Defendant without incident and was regarded as an extremely able pilot and had received several commendations.

Despite there being a mandatory policy for steps to be taken subsequent to a failed proficiency check the policy was not followed and the Plaintiff was required to complete a second proficiency check. The Plaintiff did as directed and was informed that he failed the second proficiency check.

On 15 October 2013, D. Scott informed the Plaintiff that he had two choices, accept a demotion to First Officer or be terminated. On 16 October 2013, D. Scott wrote a letter to the Civil Aviation Authority stating that the decision had been made to permanently demote the Plaintiff to the rank of First Officer. No explanation as to why such a demotion would be permanent was provided.

On 18 October 2013, the Chief Pilot Perry Panton ("Panton") of the Defendant informed the Plaintiff that the decision had been made to demote the Plaintiff from the position of Captain to the position of First Officer.

The Plaintiff filed a grievance with the Defendant.

On 12 November 2013 Panton heard the Plaintiff's grievance and issued a decision on 22 November 2013 confirming his prior decision and notifying the Plaintiff that as a result of the Plaintiff not accepting the demotion the employment of the Plaintiff would be terminated. The reports and other documentation upon which Panton based the written decision were not provided to the Plaintiff at, or prior to the hearing, and have still not been provided to the Plaintiff.

The Plaintiff filed an appeal against the decision of Panton but was informed by way of letter provided to him on 4 April 2014 (but dated 30 January 2014) that the Defendant had concluded that Plaintiff had abandoned the appeal.

In June 2014 the Plaintiff requested copies of his employment and training file and, *inter alia*, the documents considered by Panton when making his decision on the Plaintiff's grievance. The Defendant refused to provide the requested documents. The Plaintiff subsequently made a freedom of information request to the Defendant, which resulted in disclosure, which was obviously incomplete with no explanation as to why the requested documents had not been provided. The Plaintiff has accordingly requested an internal review of his request in accordance with the Freedom of Information Law and is awaiting a response.

As the Defendant is wrongfully withholding documents relating to the Plaintiff's employment and the matters raised above, the Plaintiff's investigation is ongoing, however, the claims of the Plaintiff arise from the events as set out above which include improper and invalid testing; discriminatory and bias treatment; harassment; abuse of office; wrongful and/or unlawful termination of his employment; multiple breaches of his employment contract including breaches of the implied term of trust and confidence; breaches of the Bill of Rights, including specifically sections 16 and/or 19 and/or 24 of the Bill of Rights; and/or breaches of natural justice. The Plaintiff will be seeking declaratory relief, damages and such other relief as he may be entitled to as a result of the discriminatory, unjust and unlawful actions of the Defendant.

Dated the 21st day of November 2014

BROADHURST
Broadhurst LLC
Attorneys-at-Law for the Plaintiff

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 2014

BETWEEN:

ALFRED ROBERT NEWTON SOLOMON

Plaintiff

-AND-

CAYMAN AIRWAYS LIMITED

Defendant

**ACKNOWLEDGEMENT OF SERVICE
OF WRIT OF 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.

Delay may result in judgment being entered against a Defendant whereby he may have to pay the costs of applying to set it aside.

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

 2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)
Yes [] No []

 3. If the claim against the Defendant is for a debt or liquidated demand, AND he does not intend to contest the proceedings, state if the Defendant intends to apply for a stay of execution against any judgment entered by the Plaintiff (*tick box*)
Yes [] No []
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Service of the Writ is acknowledged accordingly.

(Signed) _____

[Attorney] for

[Defendant in Person]

Address for service:

Please see overleaf...

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 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 or principal office.

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

BROADHURST LLC.
ATTORNEYS-AT-LAW
40 LINWOOD STREET,
GEORGE TOWN,
PO BOX 2503
CAYMAN ISLANDS, KY1-1104

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

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF
WRIT OF SUMMONS**

1. 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.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also serve a Defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his Defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. *A Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If a Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, *issue a Summons* for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by installments or otherwise.

See over for notes for guidance.

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. 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.
3. 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 Writ of Summons)".
4. 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.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, he must complete the form with the addition in paragraph 1 of the description "trading as (.....)" after his name.
6. Where the Defendant is a LIMITED COMPANY the form must be completed by an attorney or by someone authorized 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.
7. Where the Defendant is a MINOR or a MENTAL PATIENT, an Attorney acting for a guardian *ad litem* must complete the form.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.