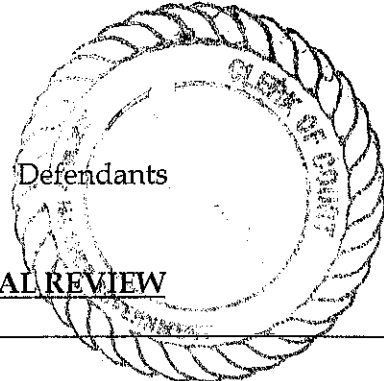


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: 22/ OF 1998

BETWEEN: **ANDY DARKOH-AGYEMAN** Plaintiff

AND: (1) THE CHIEF SECRETARY  
 (2) THE CHAIRMAN OF THE PUBLIC SERVICE COMMISSION  
 (3) THE GOVERNOR OF THE CAYMAN ISLANDS



Defendants

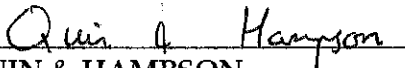
**APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW**

To the Clerk of the Court, Law Courts, George Town, Grand Cayman	
Name, address and description of applicant	Andy Darkoh-Agyeman, of Omega Bay, Prospect Park, Grand Cayman, law lecturer
Judgment, order, decision or other proceeding in respect of which relief is sought	The decision of the Chief Secretary, the Public Service Commission, and His Excellency the Governor of the Cayman Islands that the contract of employment between Mr. Darkoh-Agyeman ("Mr. Darkoh") and the Government of the Cayman Islands, whereby Mr. Darkoh was employed as a lecturer at the Cayman Islands Law School ("the contract of employment") be terminated prematurely ("the decision"). The decision was communicated to Mr. Darkoh in a letter dated 17 <sup>th</sup> December 1997 which was received by Mr. Darkoh on 1 <sup>st</sup> January 1998.
Relief Sought	
<ol style="list-style-type: none"> <li>1. A declaration that the decision to terminate Mr. Darkoh's contract of employment prematurely was unlawful</li> <li>2. Damages for breach of Mr. Darkoh's contract of employment plus interest</li> <li>3. Costs.</li> </ol>	
Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant	<b>Quin &amp; Hampson</b> , Attorneys-at-Law, Third Floor, Harbour Centre, P.O. Box 1348, George Town, Grand Cayman
Signed <i>Quin &amp; Hampson</i>	Dated 31 <sup>st</sup> March 1998

## GROUND ON WHICH RELIEF IS SOUGHT

1. The decision to terminate Mr. Darkoh's contract of employment prematurely was made following written allegations of sexual harassment against him by two students at the Cayman Islands Law School. Although not amounting to allegations of criminal conduct, the allegations were nevertheless serious, and would have serious consequences for Mr. Darkoh's reputation and livelihood if upheld. Mr. Darkoh denied any wrongdoing and asserted that the allegations were false.
2. The decision was procedurally flawed in that:-
  - (i) Mr. Darkoh was not informed of the identities of the complainants nor given particulars of their allegations. For example, he was not supplied with copies of the written complaints.
  - (ii) The evidence considered by the Public Service Commission was apparently in the form of written statements. Mr. Darkoh's evidence was given in writing, and it is presumed that the evidence of the complainants was also given in this form. Mr. Darkoh was therefore denied the opportunity to have his account tested by cross-examination and to cross-examine the complainants. Given the serious nature of the allegations, and the fact that there must have been a conflict of evidence between the complainants and Mr. Darkoh, the truth of the allegations could not properly be determined on the basis of written statements alone, but required an oral hearing with the opportunity to cross-examine.
3. Mr. Darkoh has made this application promptly within 3 months after he received notification of the decision. He did not make the application earlier as he had been seeking through his attorneys to reach an amicable settlement with the Cayman Islands Government. He has had recourse to litigation only reluctantly and as a last resort.

Dated 31<sup>st</sup> March 1998

  
QUIN & HAMPSON  
Attorneys-at-law for the Plaintiff

Filed by Quin & Hampson, Attorneys-at-Law for the Plaintiff herein whose address for service is Third Floor, Harbour Centre, P.O. Box 1348, George Town, Grand Cayman