

IN THE GRAND COURT OF THE CAYMAN ISLANDS

378
CAUSE NO. OF 2002

In the matter of an Application for Judicial Review pursuant to Order 53 of the Grand Court Rules

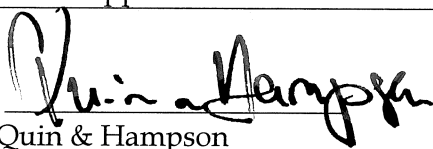
And in the matter of Dr. Barry Richter

BETWEEN:	DR. BARRY RICHTER	PLAINTIFF
AND:	THE HEALTH SERVICES DEPARTMENT	FIRST DEFENDANT
AND:	THE MINISTER FOR HEALTH AND INFORMATION TECHNOLOGY	SECOND DEFENDANT
AND:	THE ATTORNEY GENERAL FOR THE CAYMAN ISLANDS	THIRD DEFENDANT

EX PARTE 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	Dr. Barry Richter Medical Practitioner C/o Cayman Clinic, Crewe Road P.O. Box 10407 APO, George Town Grand Cayman
Judgment, order, decision or other proceedings in respect of which relief is sought	A decision dated 24 th May 2002 by the Health Services Department suspending Dr. Barry Richter's clinical privileges at George Town Hospital and all other facilities of the Health Services Department for one month pending an investigation.
<u>Relief Sought</u>	
1.	An Order for <i>Certiorari</i> to remove into this Honourable Court and quash the decision of the 24 th May 2002, of the Health Services Department ("HSD") whereby it decided that the Plaintiff's clinical privileges at George Town Hospital and all other facilities at HSD should be suspended for a period of one month from the date of this letter pending an investigation.
2.	A Declaration that the said Plaintiff is entitled to full use of all the clinical privileges at George Town Hospital and all other facilities of the HSD pursuant to the agreement between the Plaintiff and the HSD to allow him full use of the clinical privileges of George Town Hospital and the HSD facilities.

3. An Injunction restraining the First and Second Defendants from making any further suspension of restriction on the Plaintiff's clinical privileges at George Town Hospital and all other HSD facilities until the outcome of a fair and impartial investigation of the clinical management of Mrs. Marbelia Jones.
4. Directions generally to be given in relation to the determination of the above issues and for an order that the costs of and incidental to this application may be paid by the Defendants.
5. That the Defendants be prohibited from publishing in any manner or form the decision suspending the clinical privileges of the Plaintiff at George Town Hospital and all HSD facilities.

Name and address of Applicant's Attorneys, or if no attorneys acting, the address for service of the applicant	Quin & Hampson 3 rd Floor, Harbour Centre P.O. Box 1348, George Town, Grand Cayman
Signed  Quin & Hampson	Dated: 24 th May, 2002

GROUNDS OF WHICH RELIEF IS SOUGHT

The factual background to this Application for Leave to Apply for Judicial review is contained in the evidence of the Plaintiff and the Plaintiff undertakes to file a sworn Affidavit as soon as reasonably practicable. This Affidavit will also be relied upon in support of the application on the following grounds:-

1. The First Defendant's decision to suspend the Plaintiff's clinical privileges at George Town Hospital and all other facilities of the Health Services Department for a period of one month from the 24th May 2002 pending an investigation is irrational, unreasonable and unlawful.
2. The Plaintiff was told by the Chief Medical Officer that during his management and care of the patient on the Plaintiff that he was not suspending his privileges.

3. The First Defendant has failed to follow its own procedure for withdrawing clinical privileges as contained in paragraph 9 of the standard form.
4. This is a case where the Plaintiff submits that the First and Second Defendants are in breach of the rules of natural justice and it is a case where it would be just and convenient for this Honourable Court to grant a declaration and the injunction prayed for herein.

TO: The Clerk of the Court

AND TO: The Legal Department
George Town, Grand Cayman
Attorneys-at-Law for and on behalf of the
First, Second and Third Defendants

This EX PARTE APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW was issued by Quin & Hampson, Attorneys-at-Law for the Plaintiff whose address for service is 3rd Floor, Harbour Centre, P.O. Box 1348, George Town, Grand Cayman