

IN THE GRAND COURT OF THE CAYMAN ISLANDS

625
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. CHRISTOPHER BROMLEY

BETWEEN: DR. CHRISTOPHER BROMLEY

AND: THE HEALTH SERVICES AUTHORITY

PLAINTIFF

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. Christopher Bromley Medical Practitioner George Town Grand Cayman, Cayman Islands
Judgment, order, decision or other proceeding in respect of which relief is sought	The decision dated 1 st August, 2002 concluding that "the employment relationship cannot be reasonably be expected to continue" and sending a letter to the Health Practitioners' Board with regard to the Plaintiff's professional conduct and the consequential decision dated 15 th August, 2002 of The Health Services Authority terminating Dr. Christopher Bromley's contract of employment.
<u>Relief Sought</u>	
1. A Order for Certiorari to remove into this Honourable Court and quash the decision taken by The Health Services Authority on the 1 st August, 2002 at a disciplinary hearing in the absence of the Plaintiff whereby it was concluded "that it should be recognised that Dr. Bromley's has conducted himself in such a manner as to have clearly demonstrated that the employment relationship cannot reasonably be expected to continue" and "further that in accordance with the additional recommendations of the Disciplinary Panel a letter has been sent to the Health Practitioners' Board with regard to your professional conduct in the cases of Shamari Robinson and Ms. M. Jones."	
2. An Order for Certiorari to remove into this Honourable Court and quash the decision of the 15 th August, 2002 of the Health Services Authority whereby it decided to terminate the Plaintiff's contract of employment.	

3. An Injunction to restrain the Health Services Authority from proceeding with the dismissal of the Plaintiff and to restrain the Health Services Authority from notifying the Immigration Board.
4. Damages for breach of contract.
5. Damages for unfair dismissal.
6. That the Defendant be prohibited from publishing in any manner or form the decisions taken on the 1st August, 2002 and 15th August, 2002 until the resolution of this action.
7. Costs.

Name and address of Applicant's attorney, or, if no attorneys acting, the address for service of the applicant.	Quin & Hampson Attorneys-at-Law 3 rd Floor, Harbour Centre, P.O. Box 1348 GT, Grand Cayman.
Signed: <u>Quin & Hampson</u> Quin & Hampson	Dated: 16 th August 2002

GROUND ON WHICH RELIEF IS SOUGHT

The factual background to this Application for Leave to Apply for Judicial Review is contained in the Affidavit of the said Dr. Christopher Bromley and the Exhibits thereto that is filed with this Application and in support of it and this Affidavit will be relied on in support of the Application on the following grounds:

1. The decision of the Defendant's disciplinary hearing on the 1st August, 2002 is unlawful, irrational and unreasonable and is in breach of the rules of Natural Justice -
 - (a) Despite requests by both the Plaintiff and his attorneys, the Defendant has failed to provide the Plaintiff with -
 - (i) A copy of his contract;
 - (ii) General Orders 1987 (Revised) of the Cayman Islands;
 - (iii) Hospital By-Laws;
 - (iv) Correspondence and minutes relating to the alleged incidents.

3. The aforementioned disciplinary hearing held on the 1st August, 2002 the Plaintiff was not given
 - (i) Proper notice of the charges made against him;
 - (ii) An opportunity to investigate the aforementioned charges;
 - (iii) An opportunity to prepare his case and answer to the charges;
 - (iv) An opportunity to respond to the disciplinary panel either in writing or in person or through his attorneys;
4. The Defendant in exercising its powers as a disciplinary tribunal has acted in a manner lacking in basic fairness and offending against the basic rules of Natural Justice. The Plaintiff was not given a proper opportunity to be heard nor to present his side of the story.
5. The decision of the Health Services Authority of the 15th August, 2002 terminating the Plaintiff's contract of employment is unlawful, irrational and unreasonable and is in breach of the rules of Natural Justice.
6. Such further and other grounds that may be made at the hearing of this application.

NOTE: Pursuant to Order 53 R3(3) and in view of the tremendous adverse consequences for the Plaintiff as a result of The Health Services Authority decisions an oral hearing from Counsel for the Applicant is requested before the application is considered and determined by this Honourable Court.