

IN THE GRAND COURT OF THE CAYMAN ISLANDS



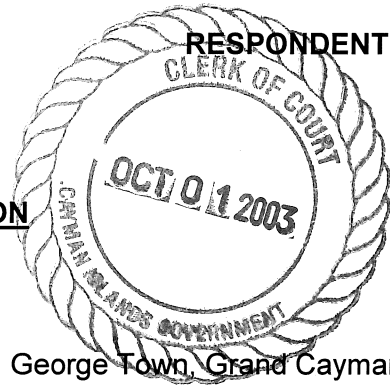
In the matter of an Appeal pursuant to Sections 75(7) and 78 (5) of the Labour Law (2001 Revision)

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CAUSE NO. OF 2003

BETWEEN: CAMPBELL'S AUTO REPAIRS & SALES LTD. APPELLANT

AND: ARCHIBALD CARTY RESPONDENT

NOTICE OF ORIGINATING MOTION



TAKE NOTICE that Mr. Justice sitting at the Law Courts, George Town, Grand Cayman on the day of 2003 at o'clock in the morning or so soon thereafter as counsel for **CAMPBELL'S AUTO REPAIRS & SALES LTD.** can be heard on appeal from the decision of the Labour Appeal Tribunal dated the April 28th, 2003 for the following relief, namely:

1. That the time for appealing be extended until the filing of this Motion.
2. That the said decision of the Labour Appeals Tribunal dated the April 28th, 2003 be set aside.
3. That the costs of and incidental to this appeal be paid by the Respondent.

AND FURTHER TAKE NOTICE that the grounds of this appeal are:

1. That the Labour Tribunal failed to comply with section 75(7) of the Labour Law (2001 Revision) in that the said Labour Tribunal failed to provide the Appellant with a reasoned decision in writing within twenty-eight days of the hearing.
2. That the Chairman of the Labour Appeals Tribunal failed to comply with section 78(5) of the Labour Law (2001 Revision) by failing to provide the Appellant with a date for

the hearing of the appeal within the 3 month time period as provided by s. 78(5) of the Labour Law (2001 Revision).

3. Having received no reasoned decision in writing, the Appellant was unable to formulate his grounds for appeal to the Labour Appeals Tribunal. The Appellant intended to bring this to the attention of the Appeals Tribunal at the Appeals hearing. The Appellant was informed by letter from the Labour Law Appeals Tribunal that the hearing was set for "Friday, March 28th, 2003 at 1:00 pm (with the appeal terminating no later than 3:30 p.m)."
4. The Appellant was denied a hearing at the Appeals Tribunal on this date. Admittedly, the Appellant arrived at 1:22 p.m. instead of 1:00, but the impression given by the said letter was that the Appellant's appeal would be heard between the hours of 1:00 p.m. and 3:30 p.m.
5. When the Appellant arrived at 1:22 p.m., he was met at the door by a staff member of the Employment Agency, who informed him that his appeal had already been heard.
6. That the Appeals Tribunal erred in law by determining the Appeal in this Matter even though no reasoned decision was given to the Appellant by the Labour Tribunal. The Labour Appeals Tribunal is well aware that the Appellant needs the reasoned decision of the Tribunal in order to formulate his grounds of appeal.
7. That by reason of the foregoing, the Appellant was denied natural justice.
8. The Appellant applies to this Honourable Court to quash the Orders of the Labour Appeals Tribunal for the reasons stated above.

Dated 1st October, 2003

Campbell's Auto Repairs & Sales Ltd.

To: The Clerk of the Court

To: Chairperson, Labour Appeals Tribunal

To: Chairperson, Labour Tribunal

To: Legal Department

This Notice was filed by the Appellant herein, of P.O. Box 2102, George Town, Grand Cayman.