

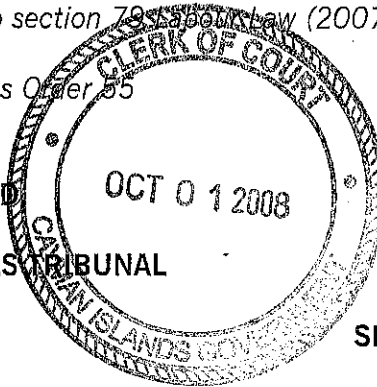
IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. ⁰⁴⁶³ OF 2008

In the Matter of an Appeal pursuant to section 79 of the Labour Law (2007 Revision)

And in the Matter of Grand Court Rules Order 55

BETWEEN: THE FINAL TOUCH LTD



APPELLANT

AND: THE LABOUR APPEALS TRIBUNAL

FIRST RESPONDENT

AND: NORMAN WILKINS

SECOND RESPONDENT



NOTICE OF ORIGINATING MOTION

TAKE NOTICE that a Judge of the Grand Court at the Law Courts, George Town, Grand Cayman, will be moved on _____ 2008 at _____ in the fore/afternoon or as soon thereafter as counsel can be heard, by counsel on behalf of The Final Touch Ltd., the Appellant herein for the following relief:

1. An order setting aside the decision of the Labour Appeals Tribunal dated 2 September 2008 whereby the Labour Appeals Tribunal found that the dismissal of the Second Respondent from the Appellant's employment was unfair and ordered compensation for unfair dismissal in the sum of CI\$4,229.17.
2. An order for a stay of payment of the sum of CI\$4,229.17 pending the hearing of this appeal.

3. Such further or other orders as this Court deems appropriate.

And for an Order that the costs of and incidental to this Appeal may be paid by The First and/or Second Respondents.

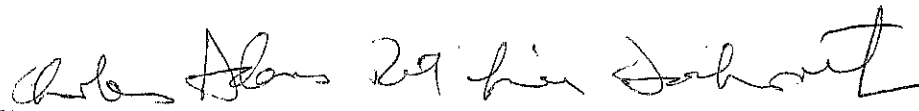
AND FURTHER TAKE NOTICE that the grounds of this Appeal are:

1. The Labour Appeals Tribunal erred in law and in fact by concluding that the Appellant did not act reasonably by failing to "*undertake any form of reasonable investigation before deciding to dismiss Mr. Wilkins.*" In so finding, the Labour Appeals Tribunal failed to have regard or sufficient regard to the following:
 - i). the telephone discussion held on 15 January 2008 between the Second Respondent and Mrs. Judy Bush for the Appellant;
 - ii). the discussion held between Mrs. Judy Bush and Mr. Russel Bush (for the Appellants) and the Second Respondent at the Appellant's place of business on 15 January 2008.
2. The Labour Appeals Tribunal erred in law in not having regard or not having sufficient regard to the provision of section 51 (3) of the *Labour Law (2007 Revision)*.
3. The Labour Appeals Tribunal erred as a matter of law and misdirected itself in reversing the decision of the Labour Tribunal without having the benefit of the complete transcript of the hearing of the Tribunal on 30 May 2008.

4. The Labour Appeals Tribunal erred in proceeding with the hearing of the Appeal in the Appellant's absence and on short notice.

5. The Appellant reserves the right to amend these grounds of appeal.

Dated the 1st day of October 2008



**CHARLES ADAMS RITCHIE & DUCKWORTH
ATTORNEYS-AT-LAW FOR THE APPELLANT**

TO: The Clerk of the Court

AND TO: The Chairman of the Labour Appeals Tribunal

AND TO: The Second Respondent
 c/o Samson McGrath

This Notice of Originating Motion was issued by Charles Adams Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Appellant herein, whose address for service is that of its Attorneys, P.O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman.