



JUL 30 2014

"Attested Copy"

ORDER ON NOTICE OF APPLICATION FOR INJUNCTION

IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

IN THE COMMERCIAL DIVISION

CLAIM NO. 2014 CD 00036

| | | |
|----------------|--|---------------------------------|
| BETWEEN | MARCUS JAMES | CLAIMANT |
| AND | CHRISTOPHER BERRY | 1ST DEFENDANT |
| AND | GARY PEART | 2ND DEFENDANT |
| AND | BRIAN GOLDSON | 3RD DEFENDANT |
| AND | MAYBERRY WEST INDIES LIMITED | 4TH DEFENDANT |
| AND | ACCESS FINANCIAL SERVICES LIMITED | 5TH DEFENDANT |

IN CHAMBERS

BEFORE THE HONOURABLE MR. JUSTICE BRYAN SYKES

ON APRIL 11, 14, 23, 2014, MAY 8, 13 2014

JUNE 2, 3, 5, 6, 2014 and JULY 25, 2014

UPON THE CLAIMANT'S FURTHER AMENDED NOTICE OF APPLICATION FOR COURT ORDERS, filed on the 17th April 2014, coming on for hearing on these days and upon hearing **Ransford Braham Q.C., M. Georgia Gibson-Henlin and Taniesha Rowe,** instructed by Henlin Gibson Henlin, Attorneys-at-Law for the Claimant, **Hugh Small Q.C., Conrad George and Adam Jones,** instructed by Hart Muirhead Fatta, Attorneys-at-Law for the 1st, 2nd and 3rd Defendants and upon the Claimant giving the usual undertakings as to damages **IT IS HEREBY ORDERED** as follows:-

1. The 1st, 2nd and 3rd Defendants undertake to take no part in disciplinary process of hearing any charges laid against the

Claimant and set out in letter dated March 19, 2014 or any other charges present or future arising out of the same related facts or determine any action to be taken in relation to the Claimant arising therefrom.

2. The 1st, 2nd and 3rd Defendants undertake to abide by the recommendations of any panel established to adjudicate on these charges and to use their best endeavours to cause such recommendations to be implemented as the decision of the Board of the Company in connection with such matters.
3. The 1st, 2nd and 3rd Defendants undertake to do nothing or take any other action in relation to any disciplinary matter in relation to the Claimant except in accordance with such recommendation.
4. An injunction restraining the Defendants whether acting in concert, by themselves, their servants, agents or otherwise howsoever, from disposing of, transferring, dealing with, or voting the shares or the majority shares in the 5th Defendant in a manner contrary to the terms of the Standstill Agreement (SSA) until judgment in the claim is given.
5. An injunction restraining the Defendants whether by themselves their servants, their agents or otherwise from removing the Claimant as CEO of the 5th Defendant until judgment is given in the claim.
6. The 1st, 2nd and 3rd Defendants in their capacity as directors of the 5th Defendant are prohibited from tabling, passing or attempting to pass any resolution or make or attempt to make any decision of any description to remove or attempt to remove the Claimant as CEO of the 5th Defendant until judgment is given in the claim.
7. The 1st, 2nd and 3rd Defendants in their capacity as Directors³ of the 5th Defendant are not to appoint or attempt to appoint any other person as CEO of the 5th Defendant until judgment is delivered in the claim.
8. The 1st, 2nd and 3rd Defendants in their capacity as Directors of the 5th Defendant are permitted to use such powers as granted to them under the Articles of Association to pass resolutions, make decisions for the operations of the 5th Defendant but the 1st 2nd and 3rd Defendants are not to table, attempt to table, pass or attempt to pass any resolution or make or attempt to make any decision of any kind or of any description that purports to or attempts to remove the Claimant as CEO of the 5th Defendant and neither shall the 1st, 2nd, 3rd, 4th and 5th Defendants take any steps or any steps preparatory

to varying or altering or modifying any of the Claimant's salary and emoluments unless such variation, alteration or modification is to increase the Claimant's salary or emoluments until judgment is delivered in the claim.

9. Nothing in this is order is to be understood to prevent or bar the Claimant from operating and exercising his role and function as CEO of the 5th Defendant and nothing in this Order is to be understood as prohibiting or preventing the Board of the 5th Defendant from making decisions regarding the operation of the Company save that such decisions should not affect the terms of this Paragraph and any other Paragraphs of this order.
10. The Defendants whether by themselves, their servants and/or agent or otherwise are restrained from commencing, continuing any disciplinary proceedings of any kind or otherwise until judgment is delivered in the claim.
11. Liberty to apply
12. Costs to be costs in the Claim.
13. Claimant's Attorney-at-Law to prepare, file and serve the order herein.

BY THE COURT



JUDGE/REGISTRAR

EXTRACTED by **HENLIN GIBSON HENLIN** Attorneys-at-Law of Suites # 3 & 4, 24 Cargill Avenue, Kingston 10, Attorneys-at-Law for and on behalf of the Claimant herein whose address for service is that of its said Attorneys-at-Law. (Telephone-876-908-3555; Fax 876-906-9534)
Attention: M. Georgia Gibson-Henlin- Attorney #3136.