

IN THE SUPREME COURT OF BERMUDA

CIVIL JURISDICTION

2018 : No 58

BETWEEN:

BERMUDA CASINO GAMING COMMISSION

Plaintiff / Applicant

- and -

RICHARD SCHUETZ

Defendant/ Respondent

ORDER FOR AN INJUNCTION

IMPORTANT

NOTICE TO THE DEFENDANT

- (1) You should read the terms of the Order and the Guidance Notes very carefully.**
- (2) You are advised to consult an Attorney as soon as possible. You have a right to ask the Court to vary or discharge this order.**
- (3) This Order prohibits you from doing and obliges you to do the acts set out in this Order. You should read it all carefully.**
- (4) If you disobey this Order you may be found guilty of Contempt of Court and you may be sent to prison or you may be fined, or your assets**
- (5) Any other person who knows of this order and does anything which helps or permits the Respondent to breach the terms of this Order may also be held to be in contempt of court and may be imprisoned, fined or have their assets seized.**

An application was made by Counsel for the Plaintiff to the Judge. The Judge heard the Application and read the Affidavits listed in Schedule 1 and accepted the undertakings in Schedule 2 of this Order.

IT IS ORDERED that

THE INJUNCTION

1. Until after final judgment or further order in this claim, the defendant must not

- (1) Disclose to any person, whether directly or indirectly, and or to further use, the confidential information that is either in his custody, or care, or possession or control or he has access to, or at all. For the avoidance of doubt and or in the alternative this is an order forbidding the Defendant to act in contravention of the covenant(s) at clauses 11.1 and 11.2 of the Employment Agreement dated 23rd July 2015 and or his common law duties to the Commission in the respect of not breaching confidences in any way shape or form.
- (2) Breach clause 12 of the Employment Agreement and in any event whether pursuant to this clause or otherwise, not, whether directly or indirectly, make, publish or otherwise communicate any disparaging or derogatory statements, whether in writing or otherwise, concerning the Commission or any person to whom powers and duties have been delegated by the Commission or Government bodies, department or ministries with which the Commission works.
- (3) The Defendant must give and make full disclosure of the entirety of the Confidential Information belonging to his former employers the Bermuda Casino Gaming Commission whether as defined by the Employment Agreement referred to above or at all, and which is in the Defendants custody, and or care, and or possession and or control and or that he has access to, or at all. For the avoidance of any doubt whatsoever the Confidential Information referred to is identified by clause 11 of the Employment agreement referred to above, and which is, by the same Employment Agreement, the Plaintiff's property.
- (4) The Defendant must surrender up and or deliver and or return the entirety of the same Confidential Information belonging to his former employers the Bermuda Casino Gaming Commission whether as defined by the Employment Agreement referred to above or at all, which is in the Defendants custody, and or care, and or possession and or control and or that he has access to, or at all. For the avoidance of any doubt whatsoever the Confidential Information referred to is identified by clause 11 of the Employment agreement referred to above, and which is, by the same Employment Agreement, the Plaintiff's property.

COSTS OF THE APPLICATION

2. The costs of and occasioned by the Application are reserved to be dealt with by the Judge who tries this Claim and are to be costs in the case.

DATED the 7th day

of 2018

Before Chief Justice / High Court Judge

Sitting in the Civil Division of the Supreme Court of Bermuda



GUIDANCE NOTES

VARIATION OR DISCHARGE OF THIS ORDER

The Defendant may apply to the Court at any time to vary or discharge this Order but if he wishes to do so he must first inform the Plaintiff's Attorneys in writing at least 48 hours beforehand

NAME AND ADDRESS OF THE PLAINTIFF'S ATTORNEYS

The Plaintiff's Attorneys are:

Wakefield Quin Ltd

Victoria Place

31 Victoria Street

Hamilton HM 10 Bermuda

Telephone 441 494 4000

INTERPRETATION OF THIS ORDER

In this Order the words 'he' 'him' or 'his' include 'she' 'her' and 'it or 'its'

THE EFFECT OF THIS ORDER

A Defendant who is ordered to not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.

SCHEDULE 1

Witness Statements / Affidavits

The Judge read the following Affidavits, and the Applicant relied on the same Affidavits, before making this order:

- a) 1st Sworn Affidavit of Deborah A. A. Blakeney dated 26th February 2018
- b) 2nd Sworn Affidavit of Deborah A. A. Blakeney dated 26th February 2018

SCHEDULE 2

Undertaking to the Court by the Applicant

- (1) If the Court later finds that this order has caused loss to the Defendant or any other Party served with or notified of this Order and decides that the Defendant or other Party should be compensated for that loss, the Plaintiff will comply with any Order of the Court may make

- (2) As soon as practicable the Applicant will serve on the Respondent a Claim form / Writ of Summons claiming the appropriate relief, together with a copy of this Order.
- (3) As soon as practicable the Applicant will file and serve on the Respondent an Application Notice for the return date if any with a copy of witness statements and exhibits containing the evidence relied upon by the Applicant.
- (4) Anyone notified of this Order will be given a copy of it by the Applicant's legal representatives.

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WAKEFIELD QUIN LIMITED

Victoria Place,

31 Victoria Street

Hamilton

Attorneys for the Plaintiff

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