

ST. CHRISTOPHER AND NEVIS

IN THE COURT OF APPEAL

CIVIL APPEAL NO.14 OF 2007

BETWEEN

[1] CHRISTENBURY EYE CENTER
[2] CHRISTENBURY BUSINESS PROTECTION LLC
[3] JONATHAN DAVID CHRISTENBURY

Applicants

[1] FIRST FIDELITY TRUST LIMITED
[2] FIDELITY INSURANCE COMPANY LIMITED
[3] KEITHLEY F. T. LAKE

Respondents

Before:

The Hon. Mr. Denys Barrow, SC

Justice of Appeal

Appearances:

Cozier & Associates for the Applicants

Daniel, Brantley & Associates for the Respondents

2007: July 13.

Minutes from Barrow J.A.'s notebook of his reasons for decision

- [1] This is an application for "a stay of execution of proceedings" of an order of Leigertwood-Octave, J. dated 15th May 2007 "dismissing" the Claim Form and the Statement of Claim. The application to strike out was made on the basis that the statement of case disclosed no reasonable cause of action and was frivolous, vexatious and an abuse of the process of the court.
- [2] The affidavit in support of the application gives not hint of a reason why a stay should be granted. The facts that the applicants have applied for leave to appeal

and they believe they have a good prospect of succeeding is no reason for granting a stay.

- [3] In any event, there is nothing to stay, except enforcement of an order to pay costs of \$3,500.00 and it has not been suggested that enforcement of this order would have other than trifling effect.
- [4] Accordingly, I dismiss the application for a stay in exercise of the court's case management power as a hopeless application. The applicants shall pay costs of \$500.00 to the respondents.



Kimberly Cenac-Phulgence
Chief Registrar