

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL SITTING

CHAMBER HEARING
Tuesday 17th February 2026

MATTERS DEALT WITH ON PAPER

Case Name:

**[1] ORBIMED Partners Master Fund
Limited
[2] Geoffrey C Hsu
[3] Sven H. Borho**

v

**[1] Saif Partners IV LP
[2] Yuk Lam Lo
[3] Simon Anderson
[4] Shan Fu
[5] Shuge Jiao
[6] Yumin Qiu
[7] Yu Wang
[8] Rui-Ping Xiao
[9] Andrew Yan
[10] Weidong Yin
[11] Sinovac Biotech Limited**

**[ANUHCVP2025/0034]
(Antigua and Barbuda)**

Date:

Tuesday 17th February 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

**Applicants/Respondents
:**

**Mr. Andrew O’Kola for ORBIMED Partners Master
Fund Limited, Geoffrey C Hsu and Sven H. Borho**

Respondents/Applicant: Ms. Satcha Kissoon for Saif Partners

Ms. Renee T. St. Rose KC with her Ms. Marie-Ange Symmonds for Yuk Lam Lo

Mr. Kendrickson Kentish KC for the 3rd to 10th respondents

Mr. Michael Koeiman for Sinovac Biotech Limited

Issues:

Application an order that the appeal be heard and determined on an expedited basis – application for a stay of execution – Application for an order that Sinovac Biotech Ltd. be properly served in accordance with CPR5A 12(4) and 62.9 as a respondent – Application for an adjournment

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application filed by OrbiMed on 29th December 2025 seeking a stay of execution of the order of Williams J dated 5th December 2025 is refused.
2. The Application by OrbiMed for an expedited hearing is granted.
3. The appeal shall be heard on an expedited basis on a date to be fixed by the Chief Registrar.
4. The Interlocutory Appeal shall be case managed on an expedited basis in accordance with the CPR.
5. The Application filed by Sinovac Biotech Ltd. on 19th January 2026 for an order directing that it be properly served as a respondent and for an adjournment of the OrbiMed Application to facilitate filing of submissions and evidence falls away.

6. Costs of this application shall be costs in the appeal.

Reason:

The Court considered rule 62.8(2) of the Civil Procedure Rules (Revised Edition) 2023 which empowers the Court to order that an appeal be heard on an expedited basis depending on the urgency of the matter, whether the record of appeal consists mainly of documents which are readily available, whether the appeal can be heard justly with an incomplete record of appeal, whether the appeal involves points of law and no substantial dispute of facts and the likely prejudice to be occasioned to the parties.

The Court considered that the protracted history of these proceedings, the nature of the proceedings and all the circumstances favour an expedited hearing of the interlocutory appeal.

The Court further considered the relevant principles which a court should apply when deciding whether to exercise its discretion to grant a stay adumbrated in *Hammond Suddard Solicitors v Agrichem International Holdings Limited* [2001] EWCA Civ 2065 applied in *C-Mobile Services Limited v Huawei Technologies Co Limited* BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported) and which include the following: ‘the first is that the court should take into account all the circumstances of the case. Second, a stay in the exception rather than the general rule. Third, the party seeking a stay must provide cogent evidence that the appeal will be stifled or rendered nugatory unless a stay is granted. Fourth, in exercising its discretion, the court applies what is in effect a balance of harm test in which the likely prejudice to the successful party

must be carefully considered. The fifth is that the court should also take into account the prospect of the appeal succeeding, but only where strong grounds of appeal or a strong likelihood the appeal will succeed is shown (which would usually enable a stay to be granted).'

The Court was of the view that taking into consideration the totality of circumstances, that the applicant has not met the threshold for a grant of a stay in that a) it has not adduced cogent evidence that the interlocutory appeal would be stifled or rendered nugatory if the stay is not granted; b) the balance of prejudice favours the refusal of a stay of execution and c) the grounds of appeal although arguable do not lead to a conclusion that there is a strong likelihood that the appeal would succeed. Further, d) it appears from the evidence more probable than not that the order of Williams J dated 5th December 2025 and re-issued on 22nd December 2025 had the effect of bringing certainty to the Company in the interim prior to appeal as the newly appointed board of directors since the order of Williams J having taken various steps geared towards stabilising the Company and e) to grant a stay would potentially undo such stabilisation obtained via the interim relief granted by Williams J before the appeal is finally determined.

The Court therefore determined that in the premises, a stay of execution pending appeal should not be granted but, instead that the appeal should be heard on an expedited basis pursuant to rule 62.8(2) of the CPR. Further, in view of the service of the notice of appeal on Sinovac and the subsequent filing by Sinovac of evidence and written submissions which had been taken into account for the purposes of the

OrbiMed and Sinovac Applications, the Sinovac Application became academic and fell away.

Case Name:

**[1] 1Globe Capital LLC
[2] Chiang Li**

v

**[1] Saif Partners IV LP
[2] Yuk Lam Lo
[3] Simon Anderson
[4] Shan Fu
[5] Shuge Jiao
[6] Yumin Qiu
[7] Yu Wang
[8] Rui-Ping Xiao
[9] Andrew Yan
[10] Weidong Yin
[11] Sinovac Biotech Limited**

**[ANUHCVP2025/0035]
(Antigua and Barbuda)**

Date:

Tuesday 17th February 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicants/Respondents : Mr. Craig L. Jacas

Respondents/Applicant: Ms. Satcha Kissoon for Saif Partners

Ms. Renee T. St. Rose KC with her Ms. Marie-Ange Symmonds for Yuk Lam Lo

Mr. Kendrickson Kentish KC for the 3rd to 7th, 9th and 10th respondents

Mr. Michael Koeiman for Sinovac Biotech Limited

Issues:

Application an order that the appeal be heard and determined on an expedited basis – application for a stay of execution – Application for an order that Sinovac Biotech Ltd. be properly served in accordance with CPR5A 12(4) and 62.9 as a respondent – Application for an adjournment

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application filed by 1Glove on 29th December 2025 seeking a stay of execution of the order of Williams, J dated 5th December 2025 is refused.**
- 2. The submissions filed by Sinovac Biotech Ltd. on 9th February 2026 and the affidavit of Guang Yang filed on 16th February 2026 are deemed properly filed.**
- 3. The application filed by Sinovac Biotech Ltd. on 19th January 2026 for an order that it be properly served as a respondent to the proceedings is granted. The application for an adjournment is refused.**
- 4. Sinovac Biotech Limited shall be added as a respondent to appeal No. ANUHCVAP2025/0035.**
- 5. The appellants shall pursuant to CPR rules 5A 12(4) and 62.9, serve the notice of appeal on Sinovac Biotech Limited within 7 days of the date of this order (i.e. on or before 27th February 2026) and provide proof of service thereof.**
- 6. The appeal shall thereafter proceed in accordance with the CPR.**

7. The appeal shall be heard on an expedited basis on a date to be fixed by the Chief Registrar.
8. The Interlocutory Appeal shall be case managed on an expedited basis in accordance with the CPR.
9. Costs of this application shall be costs in the appeal.

Reason:

The Court considered rule 62.8(2) of the Civil Procedure Rules (Revised Edition) 2023 which empowers the Court to order that an appeal be heard on an expedited basis depending on the urgency of the matter, whether the record of appeal consists mainly of documents which are readily available, whether the appeal can be heard justly with an incomplete record of appeal, whether the appeal involves points of law and no substantial dispute of facts and the likely prejudice to be occasioned to the parties.

The Court considered that the protracted history of these proceedings, the nature of the proceedings and all the circumstances favour an expedited hearing of the interlocutory appeal.

The Court further considered the relevant principles which a court should apply when deciding whether to exercise its discretion to grant a stay adumbrated in *Hammond Suddard Solicitors v Agrichem International Holdings Limited* [2001] EWCA Civ 2065 applied in *C-Mobile Services Limited v Huawei Technologies Co Limited* BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported) and which include the following: ‘the first is that the court should take into account all the circumstances of the case. Second, a stay in the exception rather than the general rule. Third, the

party seeking a stay must provide cogent evidence that the appeal will be stifled or rendered nugatory unless a stay is granted. Fourth, in exercising its discretion, the court applies what is in effect a balance of harm test in which the likely prejudice to the successful party must be carefully considered. The fifth is that the court should also take into account the prospect of the appeal succeeding, but only where strong grounds of appeal or a strong likelihood the appeal will succeed is shown (which would usually enable a stay to be granted).'

The Court was of the view that taking into consideration the totality of circumstances, that the applicant has not met the threshold for a grant of a stay in that a) it has not adduced cogent evidence that the interlocutory appeal would be stifled or rendered nugatory if the stay is not granted; b) the balance of prejudice favours the refusal of a stay of execution and c) the grounds of appeal although arguable do not lead to a conclusion that there is a strong likelihood that the appeal would succeed. Further, d) it appears from the evidence more probable than not that the order of Williams J dated 5th December 2025 and re-issued on 22nd December 2025 had the effect of bringing certainty to the Company in the interim prior to appeal as the newly appointed board of directors since the order of Williams J having taken various steps geared towards stabilising the Company and e) to grant a stay would potentially undo such stabilisation obtained via the interim relief granted by Williams J before the appeal is finally determined.

The Court determined therefore that in the premises a stay of execution pending appeal should not be granted but instead that the

appeal should be heard on an expedited basis pursuant to rule 62.8(2) of the CPR.

The Court further considered that although there was no evidence that Sinovac had been served as a respondent in these proceedings, Sinovac is an interested party in the extant proceedings and it is desirable and in the interest of justice that Sinovac be afforded an opportunity to make representations at the hearing of the interlocutory appeal as may be deemed necessary by the Court and should therefore be served with the notice of appeal and authorization code to facilitate its participation in the proceedings for any limited purposes deemed necessary by the Court.

The Court further considered that all the circumstances including that, a) Sinovac has placed considerations before the Court by way of evidence and written submissions that its claims are relevant to the 1Globe Application and the Sinovac Application; b) the same has been served on the applicants and the other respondents, c) the applicants made representations as to the desirability, propriety and legality of the decision by Sinovac to file submissions and evidence and have taken objections to them being considered by the court on the grounds, inter alia that (i) it is inapposite for anyone to claim to address the Court on behalf of the Company when the very question at issue on the appeal is who can and who cannot speak for the Company—specifically, the question is the supportability or otherwise of Williams J's decision that the Alleged Replacement Board 'shall serve' as the Company's board until trial, thereby supplanting the Incumbent Board that was in unchallenged office until 8th July 2025 and therefore the court should take no account of what Sinovac advances by submission and evidence and (ii) new developments have transpired in respect of the management of the proceedings in the High Court in that a new judicial officer has been charged with resolving

the dispute and has issued further case management directions to guide the progress of those proceedings; d) granting an adjournment for the sole purpose of regularizing those filings would result in a delay of the proceedings unreasonably and runs counter to the overriding objective of the Civil Procedure Rules (Revised Edition) 2023 ('CPR'); e) the filing of written submissions and evidence by Sinovac in relation to the 1Globe Application without an order permitting it to do so constitutes a procedural irregularity that does not attract a sanction by rule, practice direction, court order or direction; f) the Court is empowered by CPR rule 26.9 to make an order without an application by a party, to regularize procedural irregularities such as a failure to comply with a rule, practice direction, court order or direction or other procedure where the consequence of non-compliance is not specified by any rule, practice direction court order or direction; and g) considering that the decision to refuse of a stay of the Williams J order pending determination of the appeal is made for reasons that are common among the respondents; h) therefore, any prejudice likely to be occasioned to the applicants by making an order to regularize the filings by Sinovac would not be different from or additional to prejudice arising from consideration of the objections by the other respondents to the 1Globe Application; and i) an order deeming the filings by Sinovac to be properly filed does not without more serve as ratification of the Williams J Order or as an acknowledgment by the court of the correctness or validity of the Williams J Order; j) until and unless set aside the Williams J Order is an order of the court; and k) Sinovac is a party to the proceedings in the High Court and an interested party for purposes of the appeal.

Therefore, the Court determined that it was just in all the circumstances to make an order refusing the application for an adjournment, deeming the written submissions filed by Sinovac on 9th February 2026 and the affidavit of Guang Yang filed on 16th February 2026 to be

properly filed and directing that Sinovac be served with the notice of appeal pursuant to CPR rules 5A 12(4) and 62.9.

Case Name:

**[1] ORBIMED Partners Master Fund
Limited**

[2] Geoffrey C Hsu

[3] Sven H. Borho

v

[1] Saif Partners IV LP

[2] Yuk Lam Lo

[3] Simon Anderson

[4] Shan Fu

[5] Shuge Jiao

[6] Yumin Qiu

[7] Yu Wang

[8] Rui-Ping Xiao

[9] Andrew Yan

[10] Weidong Yin

[11] Sinovac Biotech Limited

[ANUHCVP2025/0036]

(Antigua and Barbuda)

Date:

Tuesday 17th February 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicants/Respondents : Mr. Andrew O’Kola

Respondents/Applicant: Ms. Satcha Kissoon for Saif Partners

**Ms. Renee T. St. Rose KC with her Ms.
Marie-Ange Symmonds for Yuk Lam Lo**

Mr. Kendrickson Kentish KC for the 3rd to 7th, 9th and 10th respondents

Mr. Michael Koeiman for Sinovac Biotech Limited

Issues:

Application an order that the appeal be heard and determined on an expedited basis – Application for a stay of execution – Application for an order that Sinovac Biotech Ltd. be properly served in accordance with CPR5A 12(4) and 62.9 as a respondent – Application for an adjournment

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application filed by OrbiMed on 29th December 2025 seeking a stay of execution of the order of Williams J dated 5th December 2025 is refused.**
- 2. The Application by OrbiMed for an expedited hearing is granted.**
- 3. The appeal shall be heard on an expedited basis on a date to be fixed by the Chief Registrar.**
- 4. The Interlocutory Appeal shall be case managed on an expedited basis in accordance with the CPR.**
- 5. The Application filed by Sinovac Biotech Ltd. on 19th January 2026 for an order directing that it be properly served as a respondent and for an adjournment of the OrbiMed Application to facilitate filing of submissions and evidence falls away.**
- 6. Costs of this application shall be costs in the appeal.**

Reason:

The Court considered rule 62.8(2) of the Civil Procedure Rules (Revised Edition) 2023 which empowers the Court to order that an appeal be heard on an expedited basis depending on the urgency of the matter, whether the record of appeal consists mainly of documents which are readily available, whether the appeal can be heard justly with an incomplete record of appeal, whether the appeal involves points of law and no substantial dispute of facts and the likely prejudice to be occasioned to the parties.

The Court considered that the protracted history of these proceedings, the nature of the proceedings and all the circumstances favour an expedited hearing of the interlocutory appeal.

The Court further considered the relevant principles which a court should apply when deciding whether to exercise its discretion to grant a stay adumbrated in *Hammond Suddard Solicitors v Agrichem International Holdings Limited* [2001] EWCA Civ 2065 applied in *C-Mobile Services Limited v Huawei Technologies Co Limited* BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported) and which include the following: 'the first is that the court should take into account all the circumstances of the case. Second, a stay in the exception rather than the general rule. Third, the party seeking a stay must provide cogent evidence that the appeal will be stifled or rendered nugatory unless a stay is granted. Fourth, in exercising its discretion, the court applies what is in effect a balance of harm test in which the likely prejudice to the successful party must be carefully considered. The fifth is that the court should also take into account the prospect of the appeal succeeding, but only where strong grounds of appeal or a strong likelihood the

appeal will succeed is shown (which would usually enable a stay to be granted).'

The Court was of the view that taking into consideration the totality of circumstances, that the applicant has not met the threshold for a grant of a stay in that a) it has not adduced cogent evidence that the interlocutory appeal would be stifled or rendered nugatory if the stay is not granted; b) the balance of prejudice favours the refusal of a stay of execution and c) the grounds of appeal although arguable do not lead to a conclusion that there is a strong likelihood that the appeal would succeed. Further, d) it appears from the evidence more probable than not that the order of Williams J dated 5th December 2025 and re-issued on 22nd December 2025 had the effect of bringing certainty to the Company in the interim prior to appeal as the newly appointed board of directors since the order of Williams J having taken various steps geared towards stabilising the Company and e) to grant a stay would potentially undo such stabilisation obtained via the interim relief granted by Williams J before the appeal is finally determined.

The Court therefore determined that in the premises, a stay of execution pending appeal should not be granted but, instead that the appeal should be heard on an expedited basis pursuant to rule 62.8(2) of the CPR. Further, in view of the service of the notice of appeal on Sinovac and the subsequent filing by Sinovac of evidence and written submissions which had been taken into account for the purposes of the OrbiMed and Sinovac Applications, the Sinovac Application became academic and fell away.

Case Name:

Shaheel Jagroop

V

Lucretia Johnny

**[SLUHCVAP2023/0023]
(Saint Lucia)**

Date: Tuesday 17th February 2026

Before: The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant/Respondent:	Mr. V. Dexter Theodore KC
Respondent/Appellant:	In person

Issues: Application for the assessment of costs

Result /
Order: **IT IS HEREBY ORDERED THAT:**

1. The application filed on 9th December 2025 for costs in Appeal No. SLUHCVAP2023/0023 to be assessed is hereby referred to the Chief Registrar for assessment.

Reason: The Court considered Rules 62.30, 65.2, 65.12, 65.15(1) and 65.20 of the Civil Procedure Rules (Revised Edition) 2023 which collectively confer jurisdiction on a judge, master, chief registrar or registrar to assess costs, set out the factors to be considered and outline the methodology for conducting such assessment.

The Court also considered rule 65.12(3) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 which states that if the assessment does not fall to be

carried out at the hearing of any proceeding, then the person entitled to the costs must apply to a master or the registrar for directions as to how the assessment is to be carried out.

The Court then considered the authorities of Kevin Gerald Stanford v Mark Byers BVIHCMAP2017/0019 (delivered 25th June 2019, unreported) and Clive Hodge v Elfrida Hughes AXAHCVAP2013/0005 (delivered 10th November 2016, unreported) where in both cases the Court of Appeal determined that post-hearing quantification of costs was a matter for the registry.

After noting the applicant's invitation that this Court transfer the assessment to the Chief Registrar or a master and reserve the costs of the assessment to be determined by the assessing officer, the Court determined that the assessment of costs in this matter should be referred to the Chief Registrar for determination.

Case Name:

Dr. Charles Isidore

v

Gerard Williams

**[SLUHCVAP2020/0003]
(Saint Lucia)**

Date:

Tuesday 17th February 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant/Respondent:

Mr. V. Dexter Theodore KC

Respondent/Appellant: Mr. Horace Fraser

Issues: Application to consolidate appeals

Result /
Order: IT IS HEREBY ORDERED THAT:

1. The Application filed on 9th December 2025 for costs in Appeal No. SLUHCVAP2020/0003 to be assessed is hereby referred to the Chief Registrar for assessment.

Reason: The Court considered Rules 62.30, 65.2, 65.12, 65.15(1) and 65.20 of the Civil Procedure Rules (Revised Edition) 2023 which collectively confer jurisdiction on a judge, master, chief registrar or registrar to assess costs, set out the factors to be considered and outline the methodology for conducting such assessment.

The Court also considered rule 65.12(3) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 which states that if the assessment does not fall to be carried out at the hearing of any proceeding, then the person entitled to the costs must apply to a master or the registrar for directions as to how the assessment is to be carried out.

The Court then considered the authorities of Kevin Gerald Stanford v Mark Byers BVIHCMAP2017/0019(delivered 25th June 2019, unreported) and Clive Hodge v Elfrida Hughes AXAHCVAP2013/0005 (delivered 10th November 2016, unreported) where in both cases the Court of Appeal determined that post-hearing quantification of costs was a matter for the registry.

After noting the applicant's invitation that this Court transfer the assessment to the Chief Registrar or a master and reserve the costs of the assessment to be determined by the assessing officer, the Court determined that the assessment of costs in this matter should be referred to the Chief Registrar for determination.

Case Name:

**[1] Hilary Estanio
[2] Danis Estanio**

v

Christopher Edward

**[SLUHCVAP2025/0020]
(Saint Lucia)**

Date:

Tuesday 17th February 2026

Before:

The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicants:

Mr. Gerard Williams

Respondent:

Mrs. Maureen John-Xavier

Issues:

Application for a stay of proceedings

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The temporary stay of proceedings granted on 20th January 2026 shall continue to operate pending the inter partes hearing of the application for a stay.**
- 2. The respondent shall file submissions in response to the application for a stay of proceedings within 21 days of the date of**

this order (i.e. on or before 11th March 2026).

- 3. The application for a stay is adjourned to the next Chamber Hearing scheduled for 31st March 2026.**

Reason:

The Court noted that the respondent had not filed submissions in response to the application for the stay in accordance with the order of this Court dated 20th January 2026. The Court was of the view that the respondent should be given an opportunity to respond to the application for a stay and adjourned the matter to the next Chamber Hearing scheduled for 31st March 2026.

Case Name:

Bertram Simmons

v

The Commissioner of Police

**[SVGMCRAP2022/0002]
(Saint Vincent and the Grenadines)**

And

Dwayne Richards

v

The Commissioner of Police

**[SVGMCRAP2022/0003]
(Saint Vincent and the Grenadines)**

Date:

Tuesday 17th February 2026

Before: The Hon. Mde. Esco L. Henry, Justice of Appeal

On paper:

Applicant: Mrs. Maria Jackson-Richards

Respondents: No appearance

Issues: Application to consolidate appeals

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application filed on 5th September 2025 for the consolidation of magisterial criminal appeals SVGMCRAP2022/0002 and SVGMCRAP2022/0003 is adjourned to the next chamber hearing date on 31st March 2026.
2. The Registrar of the High Court shall effect service on the respondent of the orders dated 21st October 2025, 18th November 2025, 16th December 2025, 17th February 2026 and this order and shall on or before 2nd March 2026 file an affidavit attesting to service of the same.
3. The Respondent is directed to file any notice of opposition or any response on or before 12th March 2026.

Reason:

The Court considered the previous orders made by this Court in this matter where the applicant was ordered to serve the application on the respondents and noted that it appeared that those orders had not been complied with.

The Court determined that it was appropriate in the circumstances to direct the Registrar of the high Court to effect service on the respondent of the previous orders of this court for purposes of bringing the extant application to the

respondent's attention and that a final adjournment is in order to facilitate such service.