

EASTERN CARIBBEAN SUPREME COURT

STATUS HEARING

VIDEOCONFERENCE

TERRITORY OF THE VIRGIN ISLANDS

Tuesday 10th June 2025

Case Name: Beauty Yachts PTY Ltd
v
Nissan Motor Co. Ltd.
[BVIHCMAP2024/0032]
(Territory of the Virgin Islands)

Date: Tuesday, 10th June 2025

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance

Respondent: No appearance

Issues: Status of the Matter

Type of Order N/A

Result/Order: IT IS HEREBY ORDERED THAT:

1. The matter is removed from the Court's hearing list until the appellant provides proof of service of the notice of appeal and application for a stay filed on 18th November 2024 on the respondents.

2. The registrar shall serve a copy of this order on the appellant and shall provide proof of service thereafter.

Reasons:

The Court noted that the appellant was served and provided with the log in details but has not appeared.

Case Name:

Global Ocean Transport Inc.

v

Dwight Flax et al

**[BVIHCVAP2017/0006]
(Territory of the Virgin Islands)**

Date:

Tuesday, 10th June 2025

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Christine Parillon representative for the appellant

Respondents:

No appearance

Issues:

Status of the Matter

Type of Order

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next Status Hearing of the Court of Appeal for the Territory of the Virgin Islands scheduled for 8th October 2025, to allow the appellant to take the necessary steps to progress the appeal.

2. The Registrar of the High Court shall serve a copy of this order on the parties and shall provide proof of service thereafter.

Reason: The respondent appeared to not be in the jurisdiction and accordingly, effecting service was an issue. The representative for the appellant however indicated that the appellant was still interested in the appeal.

Case Name: Claude Skelton-Cline
v
The Attorney General

[BVIHCVAP2025/0013]
[Formerly BVIHCVAP2019/0003]
(Territory of the Virgin Islands)

Date: Tuesday, 10th June 2025

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	No appearance
Respondent:	Ms. Maya M. Barry

Issues: Status of the Matter

Type of Order Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. Upon the claim filed with the Registry of the Supreme Court of the Territory of the Virgin Islands bearing the appeal number BVIHCVAP2019/0003 being migrated onto the E-Litigation Portal, the parties shall agree all previously filed (paper) pleadings and documents and upload the same as an

“additional volume” on the E-Litigation Portal on or before 11th July 2025.

- 2. Where the parties do not agree all previously filed (paper) pleadings and documents to be uploaded on the E-Litigation Portal, each party shall proceed to file their previously filed paper pleadings and documents and upload the same as an “additional volume” on the E-Portal on or before 18th July 2025.**
- 3. The Registrar of the High Court shall verify and reconcile the abovementioned “additional volume” with the Courts records.**
- 4. The matter is adjourned to the next status hearing of the court of appeal for the Territory of the Virgin Islands scheduled for 8th October 2025.**

Reason:

The Court noted that a previous migration order was not complied with.

Counsel for the respondent informed that counsel for the appellant intends to make an application to be removed as counsel on the record and requested that the matter be adjourned to the next Status Hearing. While understanding the difficulties, the respondents did note the vintage of this matter and will be inclined to make a particular application if the current course continues.

Case Name:

Michael Wilson & Partners Limited

v

Temujin International Limited et al

BVIHCVAP2023/0006]

(Territory of the Virgin Islands)

Date:

Tuesday, 10th June 2025

Coram:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	Mr. Michael Wilson
Respondents:	Mr. Dan Griffin for Paul Pretlove
Issues:	Status of the Matter
Type of Order	Directions
Result / Order:	IT IS HEREBY ORDERED THAT: 1. The Registrar of the High Court shall provide the appellant with the authorisation codes for the appellant and the respondents in this matter on before 13th June 2025. 2. The appellant shall provide the court with proof of service of the filings in this matter as well as the authorisation codes on the respondents on or before 30th June 2025. 3. The appellant's counsel is to file a Notice of Acting for the appellant on or before 11th July 2025. 4. The Registrar of the High Court shall cause the transcript of the proceedings to be prepared and served on the parties. 5. The matter is removed from the status hearing list pending the availability of the transcript. 6. The matter will be relisted at the next status hearing upon availability of the transcript or on a date to be fixed by the Chief Registrar. 7. The Registrar of the High Court shall serve a copy of this order on the appellant and shall provide proof of service thereafter.
Reason:	The Court noted that previous order directing the Registrar of the High Court to provide the appellant with the authorization codes for the appellant and the respondents in the matter. A request was made that

the receiver be removed from being sent notices in this matter.

Case Name:

**Nelson Callwood
v
The King**

**[BVIHCRA2022/0005]
[Formerly [BVIHCRA2015/0005]
(Territory of the Virgin Islands)**

Date: **Tuesday, 10th June 2025**

Coram: **Mrs. Michelle John-Theobalds, Chief Registrar**

Appearances:

Appellant: **Mr. David Penn**

Respondent: **No appearance**

Issues: **Status of the Matter**

Type of Order **Directions**

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

1. The appellant shall file and serve written submissions with authorities on or before 31st July 2025.
2. The respondent shall file and serve written submissions with authorities on or before 12th September 2025.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 29th September 2025.
4. This appeal will be listed for hearing at a Court of Appeal sitting for the Territory of the Virgin

Islands on a date to be fixed by the Chief Registrar on the matter being ready for hearing.

5. The Registrar of the High Court shall serve a copy of this order on the respondent and shall provide proof of service thereafter.

Reason: Counsel indicated that he is awaiting payment for the transcripts to prepare the Record of Appeal.

Case Name: **Jessroy McKelly**
v
The King

[BVIHCRAP2024/0002]
[Formerly BVIHCRAP2014/0002]
(Territory of the Virgin Islands)

Date: Tuesday, 10th June 2025

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	No appearance (Mr. Michael Maduro on record)
Respondent:	No appearance (Ms. Tiffany Scatliffe, Director of Public Prosecutions on record)

Issues: Status of the Matter

Type of Order Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next Status Hearing of the Court scheduled for 8th October 2025.
2. The Registrar of the High Court shall serve a copy of this order on the parties and shall provide proof of service thereafter.

Reason: Counsel for the appellant informed through the Registrar that he was unable to be present due to a power outage being experienced across the BVI at the time.

Case Name: Devon Bedford
V
The Commissioner of Police
[BVIMCRAP2023/0001]
(Territory of the Virgin Islands)

Date: Tuesday, 10th June 2025

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	No appearance (Mr. Stephen Daniels on record)
Respondent:	Ms Kellee Gai Smith holding papers for Ms. Tiffany Scatliffe, Director of Public Prosecutions on record

Issues: Status of the Matter

Type of Order Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall take the necessary steps to make payment of the prescribed fee for the Record of Appeal.
2. The matter is adjourned to the next Status Hearing of the Court of Appeal for the Virgin Islands scheduled for 8th October 2025.
3. The Registrar of the High Court shall serve a copy of this order on the appellant and shall provide proof of service thereafter.

Reason:

Counsel for the appellant informed through the Registrar that he was unable to be present due to a power outage being experienced across the BVI at the time. The Court also noted that the fee for the transcript of proceedings was outstanding.

Case Name:

Kelly Ann Percival

v

Alimha Beresford

[BVIMCVAP2019/0001]

(Territory of the Virgin Islands)

Date:

Tuesday, 10th June 2025

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

No appearance (Mr. Michael Maduro on record)

Respondent:

Ms. Stacy Abel

Issues:

Status of the Matter

Type of Order

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The matter is adjourned to the next Status Hearing of the Court of Appeal for the Territory of the Virgin Islands scheduled for 8th October 2025, unless a consent order is sooner filed.**
- 2. The Registrar of the High Court shall serve a copy of this order on the appellant and shall provide proof of service thereafter.**

Reason:

Counsel for the appellant informed through the registrar that he is unable to be present due to the power outage being experienced in the BVI. Counsel for the respondent indicated that the parties have reached an agreement and made an undertaking to provide the court with a copy of the draft order by the end of day, at least.

Case Name:

**Monroe Penn
v
Elaine Richards**

**[BVIMCVAP2022/0002]
(Territory of the Virgin Islands)**

Date:

Tuesday, 10th June 2025

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Glenroy Forbes

Respondent: No appearance

Issues:

Status of the Matter

Type of Order

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next status hearing of the court of appeal for the Territory of the Virgin Islands scheduled for 8th October 2025, to allow counsel for the appellant to make an application to be removed as counsel on record or for the appellant to seek new counsel, who will thereafter file a Notice of Acting for the appellant.
2. The Registrar of the High Court shall serve a copy of this order on the parties and shall provide proof of service thereafter.

Reason:

Counsel for the appellant informed that he advised the appellant that he does not have a very strong case and that he should not proceed with this case, however the appellant wishes to proceed with the matter. Counsel therefore expressed that he did not wish to represent the appellant in this matter.

Case Name:

**Kelvin Smith
v
Shanika James**

**[BVIMCVAP2023/0001]
(Territory of the Virgin Islands)**

Date:

Tuesday, 10th June 2025

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Stacy Abel

Respondent: No appearance

Issues:

Status of the Matter

Type of Order

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 15th July 2025.
2. The respondent is at liberty to file and serve written submissions with authorities on or before 29th August 2025.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 15th September 2025.
4. This appeal will be listed for hearing at a Court of Appeal sitting for the Territory of the Virgin Islands, on a date to be fixed by the Chief Registrar on the matter being ready for hearing.
5. The Registrar of the High Court shall serve a copy of this order on the respondent and shall provide proof of service thereafter.

Reason:

The respondent contacted the court to indicate his absence due to a power outage in the BVI. Counsel for the respondent confirmed that the record of appeal was complete and requested directions for the filing of submissions.