

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL SITTING

CHAMBER HEARING
Tuesday, 18th March 2025

MATTERS DEALT WITH ON PAPER

**Case
Name:**

**Ultramarine (Antigua) Ltd
v**

Sunsail (Antigua) Ltd

**[ANUHCVP2025/0005]
(Antigua and Barbuda)**

Date:

Tuesday, 18th March 2025

Before:

The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant: Adlai David Dorsett

Respondent: Septimus Rhudd

Issues:

Application for leave to appeal

**Result/
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal is granted.**
- 2. The applicants shall file and serve their notice of appeal within 21 days of the date of this order.**
- 3. Thereafter, the appeal shall proceed in accordance with Part 62 of the Civil Procedure Rules (Revised Edition) 2023.**

Reason: The Court had regard to rule 62.2 (8) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 which states that leave to appeal may be given only where - (a) the court considers that the appeal would have a realistic prospect of success; or (b) there is some other compelling reason why the appeal should be heard. The Court was of the view that the applicant had met the threshold for the grant of leave to appeal.

Case Name: **Allan LeBlanc**
v
Althea James
(Attorney for Sylvia Benoit)

[ANUHCVP2025/0004]
(Antigua and Barbuda)

Date: **Tuesday, 18th March 2025**

Before: **The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]**

On paper:

Applicant: **Talia DaCosta**

Respondent: **In Person**

Issues: **Application for leave to appeal**

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

1. The applicant shall file written submissions in support of its application for leave to appeal within 14 days of the date of this order.

2. The application for leave to appeal is set down for further consideration at the next chamber sitting of this Court scheduled for 29th April 2025.

Reason:

The Court considered rule 62.2(8) of the Civil Procedure Rules (Revised Edition) 2023 which states that leave to appeal may be given only where - (a) the court considers that the appeal would have a realistic prospect of success; or (b) there is some other compelling reason why the appeal should be heard. The Court was of the view that the applicant had not addressed the factor(s) set out in CPR 62.2(8) and ought to file written submissions in order for the Court to properly consider and determine whether leave to appeal should be granted.

**Case
Name:**

**Lindell Matthew
v
The King**

**[ANUHCRA2025/0003]
(Antigua and Barbuda)**

Date:

Tuesday, 18th March 2025

Before:

The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant:

In Person

Respondent:

Shannon Jones-Gittens

Issues:

Application for leave to appeal against conviction and sentence

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application filed on 5th February 2025 for an extension of time within which to appeal is granted.
2. The application for leave to appeal filed on 5th February 2025 is granted and deemed properly filed.
3. The application for leave to appeal against conviction and sentence is deemed to be the notice of appeal.

Reason:

The Court considered rule 9 of the Eastern Caribbean Supreme Court, Court of Appeal Rules 1968 (“the Court of Appeal Rules”) and found that the applicant’s delay in filing the notice of application for leave to appeal against conviction and sentence was not inordinate, that it is unlikely that prejudice will be caused to the respondent if the application for an extension of time is granted and that in all the circumstances in particular the applicant was self-represented and incarcerated at His Majesty’s Prison in Antigua and Barbuda.

The Court also considered the applicant’s grounds of appeal which are that the sentence is excessive and the conviction was unsafe having regard to the evidence in the case and that the extension of time application was not opposed. Upon considering rule 55 of the Court of Appeal Rules, the Court ultimately determined that it was in the interest of justice that the applicant be allowed to present his appeal, and that the applicant had met the threshold for the grant of an extension of time and for leave to appeal against conviction and sentence.

**Case
Name:**

**Prakashchandra Lohar
v
The King**

**[ANUHCRA2025/0005]
(Antigua and Barbuda)**

Date: Tuesday, 18th March 2025

Before: The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant: Wendel Alexander

Respondent: Shannon Jones-Gittens

Issues: Application for leave to appeal against conviction and sentence

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal filed on 17th February 2025 is granted.
2. The application for leave to appeal against conviction and sentence is deemed to be the notice of appeal.
3. The Registrar of the High Court shall serve a copy of this order on the parties within 7 days of the date of this order and shall provide proof of service thereafter.

Reason: The Court considered the applicant's grounds of appeal and was cognizant of rule 55 of the Eastern Caribbean Court of Appeal Rules which states that a notice of application for leave to appeal duly served and in Form 1 in Appendix C may serve as a notice of appeal. The Court was of the view that the applicant had met the threshold for the grant of leave to appeal against conviction and sentence.

**Case
Name:**

**Garraway Apparel Company Ltd
v
Dominica Agricultural Industrial and
Development Bank**

**[DOMHCVAP2024/0026]
(Commonwealth of Dominica)**

Date:

Tuesday, 18th March 2025

Before:

The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant:

Gina Dyer Munro

Respondent:

In Person

Issues:

Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal against the interlocutory order of Justice Zainab Jawara Alami dated 29th November 2024 is granted.**
- 2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.**
- 3. Thereafter, the appeal shall proceed in accordance with Part 62 of the Civil Procedure Rules (Revised Edition) 2023.**

Reason:

The Court considered Part 62.2(8) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 which states that leave to appeal

may be given only where (a) the court considers that the appeal would have a realistic prospect of success or (b) there is some other compelling reason why the appeal should be heard. The Court also considered the grounds of appeal contained in the notice of application and determined that the applicant had met the threshold for the grant of leave to appeal as the appeal had a realistic prospect of success.

**Case
Name:**

**Julietta Austrie
v
Auto Trade Limited**

**[DOMHCVAP2024/0020]
(Commonwealth of Dominica)**

Date: Tuesday, 18th March 2025

Before: The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant: Geoffrey Letang

Respondent: In Person

Issues: Application for leave to appeal

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

1. The application for leave to appeal against the order/decision of Master Cybelle Cenac Dantes dated 20th September 2024 is granted.
2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.

3. Thereafter, the appeal shall proceed in accordance with Part 62 of the Civil Procedure Rules (Revised Edition) 2023.

Reason:

The Court considered rule 62.2(8) of the Civil Procedure Rules (Revised Edition) 2023 which states that leave to appeal may be given only where (a) the court considers that the appeal would have a realistic prospect of success or (b) there is some other compelling reason why the appeal should be heard. The Court also considered the grounds of appeal contained in the notice of application and determined that the applicant had met the threshold for the grant of leave to appeal.

**Case
Name:**

[1] Mathias “Matt” Peltier Jr
[2] West Indies Communication Enterprises Ltd.
[3] Angelo Allen

v

Cleville Mills

[DOMHCVAP2018/0006]
(Commonwealth of Dominica)

Date:

Tuesday, 18th March 2025

Before:

The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant: Gennilyn Ettienne

Respondent: Ruggles Ferguson

Issues:

Application for extension of time

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for an extension of time to file and serve the respondent's skeleton arguments is granted.**
- 2. The applicant/respondent shall file skeleton arguments in the appeal on or before 8th April 2025.**
- 3. The Registrar of the High Court shall serve a copy of this order on the parties and provide proof of service within 7 days of the date of this order.**

Reason:

The Court considered the grounds of the application as well as the principles upon which an extension of time is granted as enunciated in Carleen Pemberton v Mark Brantley SKBHCVAP2011/0009 (delivered 14th October 2011, unreported) and John Cecil Rose v Anne Marie Uralis Rose SLUHCVAP2011/0013 (delivered 22nd September 2003, unreported). The Court also considered rule 26.1(2)(k) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 and was ultimately of the view that the delay was not inordinate, that the applicant/respondent had a good reason for the delay and there was no discernible prejudice to the respondents/appellants should the extension be granted.

**Case
Name:**

**Denison George
v
Nigel Dominic Stewart
[GDAHCVAP2025/0004]
(Grenada)**

Date:

Tuesday, 18th March 2025

Before:

The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant: Sandina Date

Respondents: Nigel Stewart

Issues: Application for stay of execution and proceedings

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The applicant shall provide proof of service of the application on the respondent within 14 days of the date of this order.
2. The application for a stay of execution of the judgment of Actie J dated 17th January 2025 and a stay of all proceedings in the court below pending the hearing and determination of the appeal is adjourned to the next Chamber Sitting of this Court scheduled for 29th April 2025.

Reason:

The Court noted that there was no affidavit of service evidencing service of the application on the respondent and was therefore of the view that the applicant must provide proof service of the application on the respondent within 14 days of the date of the Order of the Court.

**Case
Name:**

Senneth Martin Joseph

v

The Public Service Commission

**[GDAHCVAP2021/0021]
(Grenada)**

Date:

Tuesday, 18th March 2025

Before: The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant: V.Nazim Burke

Respondent: Karen Samuel

Issues: Application for extension of time to file and serve written chronology and for relief of sanctions

Result /
Order: IT IS HEREBY ORDERED THAT:

1. The application for an extension of time to file and serve the written chronology of events is granted.
2. The Chronology of Events uploaded via the E-Litigation Portal on 9th January 2025 is deemed properly filed and served.

Reason: The Court considered rule 62.19(1)(c) of the Civil Procedure Rules (Revised Edition) 2023 and the principles for the grant of an extension of time and upon taking the view that the length of the delay was not inordinate, that there were good reasons proffered for the delay and there was likely to be no prejudice suffered by the respondent if the extension of time was granted, the Court was satisfied that the threshold for the grant of an extension of time had been met. The Court also noted that that there was no sanction imposed by the rules or by an order of the court for failure to file the written chronology of events in time.

Case
Name:

[1] Bernadette Florent
[2] Hubert St Marthe
[3] Hilary Florent
v
Oliver Mathurin

[SLUHCVAP2022/0023]

(Saint Lucia)

Date: Tuesday, 18th March 2025

Before: The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicants: Horace Fraser

Respondent: Gerard Williams

Issues: Application for extension of time and relief from sanctions

Result / Order: IT IS HEREBY ORDERED THAT:

The application for an extension of time to file the notice of appeal is denied.

Reason: The Court considered the factors on which an extension of time is granted which are: the length of the delay; the reasons for the delay; the chances of the appeal succeeding if the extension is granted; and the degree of prejudice if the application is granted. The Court was of the view that the delay was inordinate and the applicant did not have a good reason for the delay and was therefore minded to deny the application for extension of time.

Case Name: Pinneys Forest Development Corporation Limited

v

[1] Newfound Pinneys Ltd
[2] Lindsay Fitzpatrick Grant

[NEVHCVAP2025/0003]
(Saint Christopher and Nevis)

Date: Tuesday, 18th March 2025

Before: The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant: Kurlyn Merchant

Respondents: In Person

Issues: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

An oral hearing of the application for leave to appeal be is to be fixed by the Chief Registrar for hearing by the Full Court.

Reason: The Court considered rule 62.2(8) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 (“CPR”) and was also mindful of rule 62.2(7) of the Civil Procedure Rules (Revised Edition) 2023. The Court was ultimately of the view that the application for leave to appeal should be heard before the Full Court.

Case Name: Tabari Roberts
v
The Director of Public Prosecutions

[SKBHCRAP2025/0002]
(Saint Christopher and Nevis)

Date: Tuesday, 18th March 2025

Before: The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant: In Person

Respondent: Office of the Director of Public Prosecutions

Issues: Application for leave to appeal; application for legal aid

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal against conviction and sentence is granted.
2. The notice of application filed on 6th January 2025 is deemed to be the notice of appeal.
3. The applicant shall provide this Court with detailed affidavit evidence which makes clear and sets out his financial means within 14 days of the date of this order.
4. The court's office in Saint Christopher and Nevis will assist the applicant and facilitate the filing of the said affidavit evidence within the time prescribed.
5. The part of the applicant's application seeking that legal aid be assigned to him is adjourned for further consideration at the next chamber sitting of this Court scheduled for 29th April 2025.
6. The Registrar of the High Court shall serve a copy of this order on the applicant and provide proof of service within 7 days of the date of this order.

Reason:

The Court was of the view that the applicant had met the threshold for the grant of leave to appeal and ought to be granted leave to appeal against his sentence and conviction and, having regard to rule 55 of the Eastern Caribbean Supreme Court, Court of Appeal Rules which empowers the court to grant leave to appeal when so minded, deemed the application for leave to appeal as the notice of appeal.

The Court also considered section 51(c) of the Eastern Caribbean Supreme Court (Saint Lucia) Act which provides that a single judge of the Court is empowered under to assign legal aid to an appellant. The Court ultimately determined that, notwithstanding the foregoing, the appellant had failed to provide sufficient evidence to enable the Court to make a determination on his application for legal aid and directed the applicant to provide the Court with detailed affidavit evidence of his financial means within 14 days of the date of the Order of the Court.

**Case
Name:**

Jelani Duncan

v

The Director of Public Prosecutions

**[SKBHCRAP2025/0001]
(Saint Christopher and Nevis)**

Date:

Tuesday, 18th March 2025

Before:

The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant:

In Person

Respondent:

Office of the Director of Public Prosecutions

Issues:

Application for leave to appeal; application for legal aid

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal against sentence is granted.**
- 2. The notice of application filed on 6th January 2025 is deemed to be the notice of appeal.**
- 3. The applicant shall provide this Court with detailed affidavit evidence which makes clear and sets out his financial means within 14 days of the date of this order.**
- 4. The court's office in Saint Christopher and Nevis will assist the applicant and facilitate the filing of the said affidavit evidence within the time prescribed.**
- 5. The part of the applicant's application seeking that legal aid be assigned to him is adjourned for further consideration at the next chamber sitting of this Court scheduled for 29th April 2025.**
- 6. The Registrar of the High Court shall serve a copy of this order on the applicant and provide proof of service within 7 days of the date of this order.**

Reason:

The Court was of the view that the applicant had met the threshold for the grant of leave to appeal and ought to be granted leave to appeal against his sentence and conviction and, having regard to rule 55 of the Eastern Caribbean Supreme Court, Court of Appeal Rules which empowers the court to grant leave to appeal when so minded, deemed the application for leave to appeal as the notice of appeal.

The Court also considered section 51(c) of the Eastern Caribbean Supreme Court (Saint Lucia) Act which provides that a single judge of the Court is empowered under to assign legal aid to an appellant. The Court ultimately determined that, notwithstanding the foregoing, the appellant had failed to provide sufficient evidence to enable the Court to make a determination on his application for legal aid and directed the applicant to provide the Court with detailed affidavit evidence of his financial means within 14 days of the date of the Order of the Court.

**Case
Name:**

Khalid Vanterpool

v

The Director of Public Prosecutions

**[SKBHCRAP2024/0009]
(Saint Christopher and Nevis)**

Date: Tuesday, 18th March 2025

Before: The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant: In Person

Respondent: Office of the Director of Public Prosecutions

Issues: Application for leave to appeal; application for legal aid

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

1. Leave is granted to the applicant to appeal against conviction and sentence.
2. The Criminal Form 1 dated 20th November 2024 is deemed to be the notice of appeal.

3. The applicant shall provide this Court with detailed affidavit evidence which makes clear and sets out his financial means within 14 days of the date of this order.
4. The court's office in Saint Christopher and Nevis will assist the applicant and facilitate the filing of the said affidavit evidence within the time prescribed.
5. The part of the applicant's application seeking that legal aid be assigned to him is adjourned for further consideration at the next chamber sitting of this Court scheduled for 29th April 2025.
6. The Registrar of the High Court shall serve a copy of this order on the applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this order.

Reason:

The Court was of the view that the applicant had met the threshold for the grant of leave to appeal and ought to be granted leave to appeal against his sentence and conviction and, having regard to rule 55 of the Eastern Caribbean Supreme Court, Court of Appeal Rules which empowers the court to grant leave to appeal when so minded, deemed the application for leave to appeal as the notice of appeal.

The Court also considered section 51(c) of the Eastern Caribbean Supreme Court (Saint Lucia) Act which provides that a single judge of the Court is empowered under to assign legal aid to an appellant. The Court ultimately determined that, notwithstanding the foregoing, the appellant had failed to provide sufficient evidence to enable the Court to make a determination on his application for legal aid and was directed the applicant to provide the Court with detailed affidavit evidence of his financial means within 14 days of the date of the Order of the Court.

**Case
Name:**

**Lindsay Fitzpatrick Grant
v**

Newfound Pinneys Limited
[NEVHCVAP2025/0002]
(Saint Christopher and Nevis)

Date: Tuesday, 18th March 2025

Before: The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant: Kamau Grant

Respondent: Self Represented

Issues: Application for leave to appeal

Result /
Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall file and serve the submissions with authorities in support of the application for stay of proceedings within 14 days of this order.
2. The application for leave to appeal and stay of execution be fixed for oral hearing by the Full Court on a date to be scheduled by the Chief Registrar.

Reason: The Court considered rule 62.2(8) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 (“CPR”) as well as the principles in respect of a stay as set out in the decision of C-Mobile Services Limited v Huawei Technologies Co. Limited BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported). The Court, upon noting that the notice of appeal had not been filed and there were no submissions in support of the application for a stay of proceedings in the court below as well as being mindful of rule 62.2(7) of the CPR, was minded to direct that the

applicant file and serve the submissions with authorities in support of the application for stay of proceedings within 14 days of the date of the Order of Court. The Court was also minded to order that the application for leave to appeal and stay of execution be fixed for oral hearing by the Full Court on a date to be scheduled by the Chief Registrar.

**Case
Name:**

Orvis Kasim Pogson

v

The Director of Public Prosecutions

**[SKBHCRAP2022/0006]
(Saint Christopher and Nevis)**

Date: **Tuesday, 18th March 2025**

Before: **The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]**

On paper:

Appellant/ Applicant:	Vadeesha John-Brookes
Respondent:	Teshaun Vasquez

Issues: **Application for legal aid**

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

1. The appellant/applicant shall provide comprehensive details as to his financial means by completing and filing a copy of the form set out in the Schedule to this order within 14 days of the date of this order.

2. The Registrar of the High Court shall assist the applicant in filing the form set out in the attached schedule.
3. The application by way of letter seeking legal aid is adjourned for consideration at the next Chamber Sitting of this Court scheduled for 29th April 2025.
4. The Registrar of the High Court shall serve a copy of this order on the appellant and provide this Court with proof of service.

Reason:

The Court considered that a judge of the Court is empowered under sections 55 and 60 (c) of the Eastern Caribbean Supreme Court (Saint Christopher and Nevis) Act to assign legal aid to an appellant. The Court, having noted that the appellant had failed to provide evidence to satisfy the Court that he did not have sufficient means to enable him to obtain legal representation, was minded to direct that the appellant/applicant provide comprehensive details as to his financial means by completing and filing a copy of the form set out in the Schedule to this order within 14 days of the date of the Order of Court.

**Case
Name:**

John Antoine

v

The King

**[SVGHCRA2025/0003]
(Saint Vincent and the Grenadines)**

Date:

Tuesday, 18th March 2025

Before:

The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant:

In Person

Respondent: Maria Jackson

Issues: Application for extension of time within which to appeal

Result /
Order: IT IS HEREBY ORDERED THAT:

1. The application for extension of time within which to appeal is granted.
2. Leave is granted to the applicant to appeal his conviction and sentence for the offences of Unlawful Sexual Intercourse, Incest and Indecent Assault.
3. The Criminal Form 1 dated 28th January 2025 is deemed to be the notice of appeal.
4. The Registrar of the High Court shall serve a copy of this order on the applicant and on the Office of the Director of Public Prosecutions within 7 days of the date of this order and shall provide proof of service thereof.

Reason: The Court was cognizant of section 31(2) of the Eastern Caribbean Supreme Court (Saint Vincent and The Grenadines) Act which empowers the court to extend the time within which to appeal and also considered rule 27(1)(e) of the Eastern Caribbean Supreme Court, Court of Appeal Rules. Upon also considering rule 55 of the Eastern Caribbean Supreme Court, Court of Appeal Rules, the Court was of the view that the applicant had satisfied the requirements for the grant of an extension of time to appeal and that the applicant had met the threshold for the grant of leave to appeal his conviction and sentence.

Case
Name:

Raul Boyde
v
The Commissioner of Police

[SVGMCRAP2025/0003]
(Saint Vincent and the Grenadines)

Date: Tuesday, 18th March 2025

Before: The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant: In Person

Respondent: Allana Cumberbatch

Issues: Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. Leave is granted to the applicant to appeal against his sentence.
2. The Criminal Form 1 dated 4th February 2025 is deemed to be the notice of appeal.
3. The Registrar of the High Court shall serve a copy of this order on the applicant and the Office of the Director of Public Prosecutions and provide proof of service within 7 days of the date of this order.

Reason:

The Court considered rule 55 of the Eastern Caribbean Supreme Court, Court of Appeal Rules which empowers the court, when it is minded to grant leave to appeal, to deem the application for leave to appeal as the notice of appeal and was of the view that the applicant had met the threshold for the grant of leave to appeal his sentence.

**Case
Name:**

**[1] Dr. Ambrosie Bryant Chukwueloka Orjiako
[2] Shebah Petroleum Development Company
Limited (BVI)**

[3] Abbeycourt Energy Services (BVI) Limited
[4] Neville Investments Management Limited
[5] Plumage Management Limited
[6] Pursley Resources Ltd
[7] Sinclair Commercial Limited
[8] Salvic Energy Ltd
[9] Salvic Petroleum Resources Ltd
[10] Mrs Igra Chioma Henrietta Orijako

[BVIHCMAP2024/0036]
(Territory of the Virgin Islands)

Date: **Tuesday, 18th March 2025**

Before: **The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]**

On paper:

Applicant: **James Henson**

Respondent: **Richard Brown**

Issues: **Application for directions**

Result /
Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellants shall file further submissions in reply to the respondent's submissions, and to supplement the written submissions provided with their notice of appeal by reference to the transcript of the hearing on 4th - 5th December 2024.**
- 2. The appellants shall file and serve such further submissions on or before Friday 28th March 2025.**
- 3. The respondent shall file and serve further submissions in response within 14 days of the date of service of the appellants' submissions.**

4. The application for a direction that the appeal be listed for remote hearing and the application for a stay shall be set down for case management to be heard on paper by the Chief Justice or such other person as he may direct to case manage the appeal at a date to be fixed by the Chief Registrar in consultation with the parties.

Reason:

The Court noted that the directions sought by the appellants/applicants are case management directions which fell within the Court's purview to exercise as per its case management powers set out in Parts 25 and 26 of the Civil Procedure Rules (Revised Edition) 2023 (the "CPR"). The Court also considered CPR 62.17 (2), 62.17(3) and that the directions sought by the appellants/applicants also relate to a purported stay application made in the appellants/applicants' notice of appeal and that in the circumstances the matter ought to be listed for case management.

**Case
Name:**

**Ming, Bo Ting Alice
(Personal Representative of the Estate of the
late Ming Shui Sum)
v**

**[1] Ming Siu Hung, Ronald (Deceased)
[2] Shaw Siu Kuen, Bertha
[3] Regina Ming
(Personal Representative of the Estate of the
Late Ming Shiu Tong)**

**[BVIHCMAP2025/0001]
(Territory of the Virgin Islands)**

Date:

Tuesday, 18th March 2025

Before:

The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant: Sophie Christodoulou

Respondents: The 1st respondent in person
Andrew Gilliland for the 2nd and 3rd respondents

Issues: Application for stay; Application for legal representation

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application for a stay of execution pending the hearing and determination of the appeal shall be set down for hearing before the Full Court on a date to be fixed by the Chief Registrar.

Reason:

The Court considered Rule 62.19 of the CPR 2023 which empowers a single judge to make an order for a stay of execution on any judgement or order against which an appeal has been made pending the determination of the appeal. The Court also considered the relevant principles which a court should apply when deciding whether to exercise its discretion to grant a stay as adumbrated in *Hammond Studdard Solicitors v Agrichem International Holdings Limited* [2001] EWCA Civ 2065 and applied in *C-Mobile Services Limited v Huawei Technologies Co Limited* BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported). In the circumstances, the Court determined that the application for a stay should be set down for hearing before the Full Court.

**Case
Name:**

Andrey Titarenko

v

[1] Michael J. Fay KC

[2] Arabella Di Iorio

[3] Agon Litigation

**(A Legal Entity, Partnership or
Unincorporated Body)**

[4] Paul Griffiths

[5] Renova Industries Ltd.

[BVIHCMAP2024/0004]
(Territory of the Virgin Islands)

Date: Tuesday, 18th March 2025

Before: The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant: In Person

Respondents: The 1st respondent In Person
Litrow Hickson for the 2nd, 3rd and 4th respondents

Issues: Application for leave to appeal; application for a stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:

The application for leave to appeal and the application for a stay shall be set down for hearing before the Full Court on a date to be fixed by the Chief Registrar.

Reason:

The Court considered rule 62.2 (8) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023 (“the CPR 2023”) as well as the grounds of appeal as contained in the application for leave to appeal and was of the view that the applicant had not met the threshold for the grant of leave to appeal.

The Court also considered rule 62.2(7) of the CPR 2023 which states that if the judge considering an application under rule 62.2(5) is minded to refuse the application for leave, the judge must direct – (a) that an oral hearing be fixed; and (b) whether that oral hearing is to be by a single judge or the Court. As the Court was minded to refuse the application for leave to appeal, it was minded to schedule an oral hearing so that the issues raised in

the appeal on whether leave ought to be granted could be ventilated before the Full Court.

**Case
Name:**

**Sancus Financial Holdings Limited
v
Chad Christopher Holm**

**[BVIHCMAP2024/0020]
(Territory of the Virgin Islands)**

Date: Tuesday, 18th March 2025

Before: The Hon. Mr. Gerard St. C Farara, Justice of Appeal [Ag.]

On paper:

Applicant: Catherine O'Connell

Respondent: Yegâne Güley

Issues: Application for solicitor to be removed from the record

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application for the removal of Carey Olsen (BVI) L.P. from the record as legal practitioners for their client, the appellant is granted.
2. The applicant shall serve a copy of this order on the legal practitioners for the respondents within 7 days of the date of this order.
3. The applicant shall file a certificate of service of this Order within 14 days of the date of this Order.

Reason:

The Court considered the requirements to be satisfied upon an application by a legal practitioner to be removed from the record pursuant to rule 63.6 (2) and

(3) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023. The Court was of the view that the applicant had satisfied the requirements under rule 63.6 of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023.