

**EASTERN CARIBBEAN SUPREME COURT**  
**COURT OF APPEAL SITTING**

**CHAMBER HEARING**  
**WEDNESDAY 7<sup>TH</sup> MAY 2025**

**MATTERS DEALT WITH ON PAPER**

**Before:** The Hon. Madame Margaret Price-Findlay, Chief Justice (Ag.)  
**Case name:** [1] Notre Dame Investments Limited  
(a registered minority shareholder of BCM INTERNATIONAL LIMITED)  
[2] Angela List  
v  
[1] Rowntry Trading Limited  
[2] Paul List  
[3] BCM International Limited  
(NEVHCVAP2025/0007)  
SAINT CHRISTOPHER AND NEVIS

**Date:** Wednesday, 7<sup>th</sup> May 2025

**On paper:**

**Applicants:** Mr. Errol Williams

**Respondents:** Ms. Jean Dyer

**Issues:** Application for leave to appeal – Application for stay of proceedings

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

1. The application for leave to appeal the judgment of Justice Patrick Thompson Jr. delivered 21<sup>st</sup> March 2025 is granted.
2. The applicants shall file the notice of appeal within 21 days of the date of this order.
3. Thereafter, the appeal shall proceed in accordance with the Civil Procedure Rules (Revised Edition) 2023.
4. An interim stay of the proceedings in the court below is granted pending the hearing and determination of the stay application in Chambers on a date to be fixed by the Chief Registrar.
5. The application for permission to serve the 1<sup>st</sup> respondent via electronic mail as a means of alternative service is granted.

6. The applicants shall service the 1<sup>st</sup> respondent with a copy of the application for stay of proceedings and supporting documents within 7 days of the date of this order.
7. The 1<sup>st</sup> respondent shall file and serve any notice of opposition and affidavit in support within 7 days of being served with the application for stay.
8. The 1<sup>st</sup> respondent shall file and serve written submissions in response to the application for stay within 14 days of being served with the application for stay.
9. The 2<sup>nd</sup> and 3<sup>rd</sup> respondents shall file and serve written submissions in response to the application for stay within 14 days of the date of this order.
10. The Registrar of the High Court shall serve a copy of this order on the 1<sup>st</sup> respondent and provide proof of service within 7 days of the date of this order.

**Reason:**

Further to the Chamber Order of this Court dated 29<sup>th</sup> April 2025, the applicant filed an application for service by alternative means as well as a certificate of urgency regarding all three applications.

The Court considered rule 62.2(8) of the Civil Procedure Rules (Revised Edition) 2023, the principles of the grant of leave to appeal in *Othneil Sylvester v Faellseje* SVGHCVAP2005/0005 (delivered 20<sup>th</sup> February 2006, unreported), *Cage St. Lucia Limited v Treasure Bay (St. Lucia) Limited* SLUHCVAP2011/0045 (delivered 23<sup>rd</sup> January 2012, unreported) and the principles with respect to the granting of an application for a stay of execution in *C-Mobile Services Ltd. V Huawei Technologies Co. Ltd.* BVIHCMAP2014/0017 (delivered 2<sup>nd</sup> October 2014, unreported).

The Court was also cognizant of rules 5.7, 5.12, 5.13 and 5.14 of the Civil Procedure Rules (Revised Edition) 2023 with respect to service by alternative means.

The Court was of the view that the applicants have satisfied the threshold for a grant of leave to appeal, the respondents ought to be given an opportunity to respond to the application for a stay of proceedings and service via electronic mail is an effective method of service on the 1<sup>st</sup> respondent. Therefore, the Court granted the applications and gave directions for the progression of the matter.

