

EASTERN CARIBBEAN SUPREME COURT

STATUS HEARING

VIDEOCONFERENCE

TERRITORY OF THE VIRGIN ISLANDS

Tuesday 22nd October 2024

Case Name:

Startnet Ltd.

v

Sonata Alliance Inc.

**[BVIHCMAP2016/0010]
(Territory of the Virgin Islands)**

Date:

Tuesday 22nd October 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Mark Wells

Respondent:

Ms. Coleen Farrington

Issues:

Status of the Matter

Type of Order

Adjournment

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The matter is removed from the court's status hearing list until counsel for the appellant takes the necessary steps to make an application to**

be removed as counsel on record for the appellant.

2. The matter will be relisted upon the determination of such application once filed, or on a date to be fixed by the Chief Registrar.

Reasons:

The matter was adjourned for counsel to file an application to be removed off the record.

Case Name:

**Mex Clearing Limited
v
Von der Heydt Invest et al**

**[BVIHCMAP2021/0026
(Territory of the Virgin Islands)]**

Date:

Tuesday 22nd October 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Ms. Sara Malik for the first respondent

Issues:

Status of the Matter

Type of Order

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

1. Upon noting that the appellant was not present at today's hearing, the matter is adjourned to the next status hearing of the Court for the Territory of the Virgin Islands scheduled for 17th March

2025, for the appellant to be present to indicate whether they are still interested in this appeal.

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:

The appellant was absent from the hearing. Counsel for the respondent was also advised to seek instructions from their client on the way forward in relation to the appeal so that on the next occasion they are able to give an indication to the court.

Case Name:

**Victorija Fetaimia
v
Albert Court (Westminster) Management
Company Limited et al**

**[BVIHCMAP2020/0018]
(Territory of the Virgin Islands)**

Date:

Tuesday 22nd October 2024

Coram:

Mrs. Michelle John-Theobalds, The Chief Registrar

Appearances:

Appellant:	In person
Respondent:	Mr. Johnathan Addo

Issues:

Status of the Matter

Type of Order

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The status hearing of this appeal is adjourned to a date to be fixed by the Chief Registrar.
2. The Registrar of the High Court shall serve a copy of this order on the appellant and provide proof of service thereafter.

Reason:

The Court was in receipt of a letter from UK counsel for the appellant requesting an adjournment of the BVI proceedings. The appeal was also stayed pending a status hearing and an unless application was set down for hearing before the Full Court.

Case Name:

**Andrey Titarenko
v
Viktor Vekselberg et al**

**[BVIHCMAP2022/0036]
(Territory of the Virgin Islands)**

Date:

Tuesday 22nd October 2024

Coram:

Mrs. Michelle John-Theobalds, The Chief Registrar

Appearances:

Appellant:

In person

Respondent:

Ms. Arabella di Iorio

Issues:

Status of the Matter

Type of Order

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The court notes the indication from the appellant that he does not wish to file written

submissions in the matter and relies on his Notice of Appeal.

2. The respondent shall file and serve written submissions with authorities on or before 22nd November 2024.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 9th December 2024.
4. This appeal will be fixed 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.

Reason:

The Court noted that submissions had not been filed by the appellant or the respondent. The appellant indicated that he did not intend to file written submissions but relies on his notice of appeal and the oral submissions.

Case Name:

Sylvia Maduro-Dale et al

v

The Registrar of Lands

[BVIHCVAP2010/0022]

(Territory of the Virgin Islands)

Date:

Tuesday 22nd October 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms. Patricia Archibald-Bowers

Respondents:

Ms. Shonice Warner

Issues:

Status of the Matter

Type of Order

N/A

Result / Order:

IT IS HEREBY ORDERED THAT:

Upon noting the indication from counsel that the appellant Sylvia Maduro-Dale is deceased, the matter is removed from the status hearing list until the court has been notified that a personal representative has been appointed for the appellant.

Reason:

The Court noted that a personal representative has not been appointed for the deceased appellant.

Case Name:

**Telecommunication Regulatory Authority
v
Caribbean Cellular Telephone Authority**

[BVIHCVAP2022/0003]

[BVIHCVAP2022/0004]

[BVIHCVAP2022/0005]

(Territory of the Virgin Islands)

Date:

Tuesday 22nd October 2024

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms. Nelcia St. Jean

Respondents:

**Mr. Sydney Bennett, KC with Ms. Anthea Smith for
Caribbean Cellular Telephone Authority and BVI
Cable TV Limited**

Ms. Asha Johnson Willins for Digicel (BVI) Limited.

Mr. Brian Child for Cable and Wireless

Issues:

Status of the Matter

Type of Order

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The respondent Cable and Wireless shall file and serve written submissions with authorities on or before 28th October 2024.
2. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 12th November 2024.
3. This appeal will be fixed 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.

Reason:

The transcript of proceedings was prepared. Submissions were outstanding from the respondents.

Case Name:

Andrey Titarenko

v

Arabella Di Iorio

[BVIHCVAP2021/0003]

(Territory of the Virgin Islands)

Date:

Tuesday 22nd October 2024

Coram:

Mrs. Michelle John-Theobalds, The Chief Registrar

Appearances:

Appellant:

In person

Respondent:

In person

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 17th March 2025 to allow the appellant to make the necessary application to amend his notice of appeal.
2. The Registrar of the High Court shall serve a copy of this order on the parties and provide proof of service thereafter.

Reason:

The transcript of proceedings was uploaded and emailed to the parties on 26th June 2024. The appellant indicated his attention to make an application to amend his notice of appeal.

Case Name:

Global Ocean Transport Inc.

v

Dwight Flax et al

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

Date:

Tuesday 22nd October 2024

Coram:

Mrs. Michelle John-Theobalds, The Chief Registrar

Appearances:

Appellant: No appearance

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 17th March 2025, to allow the appellant to indicate whether it is still interested in prosecuting 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:

There was no appearance of either the appellant or the respondent.

Case Name:

Earl Hodge
v
The Commissioner of Police et al

[BVIHCVAP2015/0010]
(Territory of the Virgin Islands)

Date:

Tuesday 22nd October 2024

Coram:

Mrs. Michelle John-Theobalds, The Chief Registrar

Appearances:

Appellant:

Unpresented (deceased)

Respondent:

**Ms. Nicosie Dummett with Mrs. Abayna Devonish
(AG's Chambers)**

Issues:

Status of the Matter

Type of Order

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

The application to strike out the appeal filed on 9th May 2024, shall be fixed for hearing at the Court of appeal sitting for the Territory of the Virgin Islands during the week commencing 24th March 2025.

Reason:

The respondent indicated that unsuccessful checks were made as to whether there was any appointment of a representative for the appellant.

Case Name:

Nelson Callwood

v

The King

[BVIHCRA2022/0005]

(Territory of the Virgin Islands)

Date:

Tuesday 22nd October 2024

Coram:

Mrs. Michelle John-Theobalds, The Chief Registrar

Appearances:

Appellant:

Mr David Penn

Respondent:

Ms. Tiffany Scatliffe, The Director of Public Prosecutions

Issues:

Status of the Matter

Type of Order

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next status hearing of the court for the Territory of the Virgin Islands scheduled for 17th March 2025, to allow the appellant to make the necessary arrangements to pay for and collect the transcript of proceedings in this matter.

Reason:

The Court noted that the notice of availability of transcript was uploaded on 29th September 2023 with arrangements being made with the appellant to pay for the transcript of proceedings. Nothing else has been filed in the matter.

Case Name:

Jessroy McKelly

v

The King

[BVIHCRAP2024/0002]

***Formerly* [BVIHCRAP2014/0004]**

(Territory of the Virgin Islands)

Date:

Tuesday 22nd October 2024

Coram:

Mrs. Michelle John-Theobalds, The Chief Registrar

Appearances:

Appellant:

Mr. Michael Maduro

Respondent:

Ms Tiffany Scatliffe, The Director of Public Prosecutions

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 7th November 2024.
2. The respondent shall file and serve written submissions with authorities on or before 9th December 2024.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 24th December 2024.
4. The 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.

Reason:

The Court noted that the directions for filing submissions given on 13th May 2024 were not complied with.

Case Name:

The Commissioner of Police

v

Nickel Simon et al

[BVIMCRAP2022/0001]

(Territory of the Virgin Islands)

Date:

Tuesday 22nd October 2024

Coram:

Mrs. Michelle John Theobalds, The Chief Registrar

Appearances:

Appellant:

Ms. Kellee-Gai Smith

Respondents:

No appearances

Issues:

Status of the Matter

Type of Order

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall serve the Record of Appeal on the respondents and shall provide proof of service thereafter.**
- 2. The matter is adjourned to the next status hearing of the Court of Appeal for the Territory of the Virgin Islands scheduled for 17th March 2025.**
- 3. The Registrar of the High Court shall serve a copy of this order on the respondents and shall provide proof of service thereafter.**

Reason:

The Court noted that the record of appeal seemed to have been completed.

Case Name:

Korrey Stout

V

The Commissioner of Police

[BVIMCRAP2023/0004]

(Territory of the Virgin Islands)

Date:

Tuesday 22nd October 2024

Coram:

Mrs. Michelle John-Theobalds, The Chief Registrar

Appearances:

Appellant:

Mr. Stephen Daniels

Respondent:

Ms. Tiffany Scatliffe, The Director of Public Prosecutions

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 9th December 2024.
2. The respondent shall file and serve written submissions with authorities on or before 24th January 2025.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 10th February 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.

Reason:

The court noted that the record of appeal was complete.

Case Name:

Ricardo Leonard

V

The Commissioner of Police

[BVIMCRAP2020/0003]

[BVIMCRAP2020/0004]

[BVIMCRAP2020/0005]

(Territory of the Virgin Islands)

Date:

Tuesday 22nd October 2024

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

Appearances:
Appellant: Mr. Stephen Daniels

Respondent: Ms. Kelle-Gai Smith

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 for the Territory of the Virgin Islands scheduled for 17th March 2025 to allow the appellant to be present or to indicate whether he is still interested in prosecuting his appeal.
2. This is the final adjournment for this purpose.
3. The Registrar of the High Court shall serve a copy of this order on the appellant personally and shall provide proof of service thereafter.

Reason: Counsel for the appellant expressed that he had some challenges communicating with the appellant and was unable to indicate whether he was still interested in prosecuting the appeal. Counsel for the appellant requested that the matter be removed from the status hearing list until the appellant gives an indication.

Case Name: Kelly Ann Percival
v

Alimha Beresford

**[BVIMCVAP2019/0001]
(Territory of the Virgin Islands)**

Date: Tuesday 22nd October 2024

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

Appearances:

Appellant:	Mr. Michael Maduro
Respondent:	Ms. Stacy Abel

Issues: Status of the Matter

Type of Order Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next status hearing of the court of appeal for the Territory of the Virgin Islands scheduled for 17th March 2025, unless a consent order is sooner filed.

Reason: The parties have reached an agreement following settlement discussions. However, a consent order was yet to be executed.