

**EASTERN CARIBBEAN SUPREME COURT**

**STATUS HEARING**

**VIDEOCONFERENCE**

**TERRITORY OF THE VIRGIN ISLANDS**

**Monday 13<sup>th</sup> May 2024**

**Case Name:**

**Sonata Alliance Inc.**

**v**

**Startnet Ltd.**

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

**Date:**

**Monday 13<sup>th</sup> May 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:**

**The matter is adjourned to the next status hearing for the Territory of the Virgin Islands scheduled for 22<sup>nd</sup> October 2024 to allow counsel for the appellant to take**

the necessary steps to be removed as counsel on record for the appellant.

**Reasons:**

Counsel for the appellant informed the Court that it was their intention that they be removed from the record as the appellant's legal practitioners. Counsel also informed the Court that a draft notice of discontinuance had been prepared and was sent to the respondent. However, counsel for the respondent called into question the terms of discontinuance, requesting clarification as to the basis these terms were proposed. The Court therefore gave the above order to allow counsel for the parties to clarify any outstanding issues and to ensure service of the finalised notice of discontinuance on the appellant.

**Case Name:**

**Simon John McNally et al  
v  
Carl Stuart Jackson et al  
[BVIHCMAP2022/0060]  
[BVIHCMAP2022/0065]  
(Territory of the Virgin Islands)**

**Date:**

**Monday 13<sup>th</sup> May 2024**

**Coram:**

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

**Appearances:**

**Appellant: No appearance**

**Respondent: Mr. Andrew Willins**

**Issues:**

**Status of the Matter**

|                 |                                                                                                                                                                                                                                                                                                                       |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Type of Order   | N/A                                                                                                                                                                                                                                                                                                                   |
| Result / Order: | IT IS HEREBY ORDERED THAT:<br><br>N/A                                                                                                                                                                                                                                                                                 |
| Reason:         | The Court made a security for costs order against the appellants on 18 <sup>th</sup> April 2023. However, as at the date of the status hearing, the appellants had not made any payment in satisfaction of the said security for costs order. The matter was therefore struck off and no order was made by the Court. |
| Case Name:      | Central Shipping Co. Limited<br>v<br>Fortune Bright Global Limited<br>[BVIHCMAP2016/0019]<br>(Territory of the Virgin Islands)                                                                                                                                                                                        |
| Date:           | Monday 13 <sup>th</sup> May 2024                                                                                                                                                                                                                                                                                      |
| Coram:          | Mrs. Michelle John-Theobalds, The Chief Registrar                                                                                                                                                                                                                                                                     |
| Appearances:    |                                                                                                                                                                                                                                                                                                                       |
| Appellant:      | Mr. John Carrington, KC                                                                                                                                                                                                                                                                                               |
| Respondent:     | No appearance                                                                                                                                                                                                                                                                                                         |
| Issues:         | Status of the Matter                                                                                                                                                                                                                                                                                                  |
| Type of Order   | Directions                                                                                                                                                                                                                                                                                                            |

**Result / Order:**

**[Oral Delivery]**

**IT IS HEREBY ORDERED THAT:**

- 1. The Registrar of the High Court shall cause the transcript of the proceedings to be prepared and served on the parties.**
- 2. The matter is removed from the status hearing list pending the availability of the transcript of proceedings.**
- 3. 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.**
- 4. 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 Court was informed that the transcript of proceedings had not yet been prepared and as such, made the following orders.**

**Case Name:**

**Sylvia Maduro-Dale et al  
v  
The Registrar of Lands  
[BVIHCVAP2010/0022]  
(Territory of the Virgin Islands)**

**Date:**

**Monday, 13<sup>th</sup> May 2024**

**Coram:**

**Mrs. Michelle John-Theobalds, The Chief Registrar**

**Appearances:**

**Appellant: No appearance**

**Respondent: Ms. Shonice Warner**

**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 for the Territory of the Virgin Islands scheduled for 22<sup>nd</sup> October 2024, to allow the respondent to take whatever steps it deems necessary in relation to the appeal.
2. The Registrar of the High Court shall serve a copy of this order on the appellants by publication of this order in 2 copies of a newspaper in the Territory of the Virgin Islands, and shall provide proof of publication thereafter.

**Reason:**

The Court gave the above directions to progress the matter to a state of readiness for appeal.

**Case Name:**

**Telecommunication Regulatory Authority**

**v**

**[1.] Caribbean Cellular Telephone Authority**

**[2.] BVI Cable TV Limited**

**[3.] Digicel (BVI) Limited**

**[4.] Cable and Wireless (BVI) Limited**

**[BVIHCVAP2022/0003]**

**[BVIHCVAP2022/0004]**

**[BVIHCVAP2022/0005]**

**(Territory of the Virgin Islands)**

**Date:**

**Monday 13<sup>th</sup> May 2024**

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

**Appearances:**

**Appellant:** Mr. Terrance Neale with Ms. Nelcia St. Jean

**Respondents:** Mr. Sydney Bennett, KC with Ms. Anthea Smith for the first and second respondents  
Ms. Asha Johnson-Willins for the third respondent

**Issues:** Status of the Matter

**Type of Order** Directions

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

1. The Registrar of the High Court shall issue a notice to the parties in relation to the readiness of the transcript of the proceedings on or before 17th May 2024.
2. The Registrar of the High Court shall also take the necessary steps to obtain the settled order of 4th April 2022 and serve the same on the parties for filing.
3. The matter is adjourned to the next status hearing of the court of appeal for the Territory of the Virgin Islands scheduled for 22nd October 2024.

**Reason:** The parties were not in receipt of the notice from the Registrar in relation to the transcript. The parties are to review the transcript and discuss the way forward with the matter in light of the missing portion of the transcript.

**Case Name:**

**Earl Hodge**

**v**

**The Commissioner of Police et al**

**[BVIHCVAP2015/0010]**

**(Territory of the Virgin Islands)**

**Date:**

**Monday 13<sup>th</sup> May 2024**

**Coram:**

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

**Appearances:**

**Appellant: No appearance**

**Respondent: Ms Nicosie Dummett**

**Issues:**

**Status of the Matter**

**Type of Order**

**N/A**

**Result / Order:**

**IT IS HEREBY ORDERED THAT:**

**Upon noting the application filed by the respondent on 9<sup>th</sup> May 2024 to strike out the application for leave appeal filed on 8<sup>th</sup> July 2015, the matter is removed from the status hearing list pending the determination of the application.**

**Reason:**

**The Court was informed that the appellant was deceased and that the respondent filed an application to strike out the application for leave appeal on 9<sup>th</sup> May 2024, supported by an affidavit. The Court taking those circumstances into consideration made the above order.**

**Case Name:**

**Andrey Titarenko  
v  
Arabella Di Iorio  
[BVIHCVAP2021/0003]  
(Territory of the Virgin Islands)**

**Date:**

**Monday 13<sup>th</sup> May 2024**

**Coram:**

**Mrs. Michelle John-Theobalds, The Chief Registrar**

**Appearances:**

**Appellant: In person**

**Respondent: In person**

**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 parties with an update on the transcript of proceedings in this matter on or before 31<sup>st</sup> May 2024.**
- 2. The matter is adjourned to the next status hearing of the Court for the Territory of the Virgin Islands scheduled for 22<sup>nd</sup> October 2024.**

**Reason:**

**The Court was informed by the respondent that the appellant, Mr. Titarenko had not paid the costs which was ordered in the court below on 4<sup>th</sup> December 2021.**



The respondent also asked that Mr. Titarenko make this payment as there was no stay. The Court in order to progress the matter made the above order.

**Case Name:** Global Ocean Transport Inc.  
v  
Dwight Flax et al  
[BVIHCVAP2017/0006]  
(Territory of the Virgin Islands)

**Date:** Monday 13<sup>th</sup> May 2024

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

**Appearances:**

|                    |               |
|--------------------|---------------|
| <b>Appellant:</b>  | No appearance |
| <b>Respondent:</b> | 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 22<sup>nd</sup> October 2024, 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:** Due to the non-appearance of both counsel for the appellant and the respondent and it being the first time the matter was hearing at Status Hearing the Court made the above order.

**Case Name:** Jessroy McKelly  
v  
The King  
[BVIHCRAP2014/0002]  
(Territory of the Virgin Islands)

**Date:** Monday 13<sup>th</sup> May 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** Adjournment

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

1. The claim filed with the Registry of the Supreme Court bearing the appeal number BVIHCRAP2014/0002 shall be migrated onto the E-Litigation Portal.
2. The appellant shall upload this order to the E-Litigation Portal, at which time the new appeal number will be generated.

3. All subsequent pleadings, documents and proceedings in this cause shall be filed with the Registry of the Supreme Court via the E-Litigation Portal.
4. The parties shall agree all previously filed (paper) pleadings and documents and upload the same as an “additional volume” on the E-Litigation Portal within 21 days of the date of this order.
5. 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 within 21 days.
6. The Court office shall verify and reconcile the abovementioned “additional volume” with the Courts records.
7. There is no order as to costs.
8. The appellant shall file and serve written submissions with authorities on or before 24<sup>th</sup> June 2024.
9. The respondent shall file and serve written submissions with authorities on or before 26<sup>th</sup> July 2024.
10. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 12<sup>th</sup> August 2024.
11. 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 gave the above directions for the progression of the appeal.

**Case Name:**

**The Commissioner of Police  
v  
Nickel Simon et al  
[BVIMCRAP2022/0001]  
(Territory of the Virgin Islands)**

**Date:**

**Monday 13<sup>th</sup> May 2024**

**Coram:**

**Mrs. Michelle John-Theobalds, The Chief Registrar**

**Appearances:**

**Appellant:**

**Ms Kellee-Gai Smith**

**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 16<sup>th</sup> June, 2023.**
- 2. The respondent shall file and serve written submissions with authorities on or before 17<sup>th</sup> July 2023.**
- 3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 1<sup>st</sup> August, 2023.**
- 4. The appeal is fixed for hearing at the next sitting of the Court of Appeal for the Commonwealth of Dominica scheduled for the week commencing 4<sup>th</sup> December 2023.**
- 5. 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 transcript of proceedings was outstanding. As such the Court gave the above directions to progress the appeal.

**Case Name:** Korrey Stout  
v  
The Commissioner of Police  
[BVIMCRAP2023/0004]  
(Territory of the Virgin Islands)

**Date:** Monday 13<sup>th</sup> May 2024

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

**Appearances:**

**Appellant:** Mr. Stephen Daniels

**Respondent:** Ms Tiffany Scatliffe, The Director of Public Prosecutions holding papers for Ms. Khadija Beddeau

**Issues:** Status of the Matter

**Type of Order** Directions

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

1. The Senior Magistrate shall cause the Record of Appeal including the Notes of evidence and reasons for decision to be prepared and served on the parties.
2. The matter is adjourned to the next status hearing of the court in the Territory of the

Virgin Islands scheduled for 22<sup>nd</sup> October 2024.

3. The Registrar of the High Court is directed to serve a copy of this order on the parties and to provide proof of service thereafter.

**Reason:** The Court noted that the Record of Appeal and transcript of proceedings were outstanding. As such the Court gave the above directions to progress the appeal.

**Case Name:** Jaime Scatliffe  
v  
The Commissioner of Police  
[BVIMCRAP2020/0008]  
[BVIMCRAP2020/0009]  
(Territory of the Virgin Islands)

**Date:** Monday 13<sup>th</sup> May 2024

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

**Appearances:**  
**Appellant:** Mr. Michael Maduro  
**Respondent:** Ms Kelle -Gai Smith

**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, 19<sup>th</sup> July 2024.
2. The respondent shall file and serve written submissions with authorities on or before 16<sup>th</sup> August 2024.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 30<sup>th</sup> August, 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:**

Counsel for the appellant intimated to the Court that the appellant had medical family emergencies which had delayed the matter. Due to those circumstances the Court gave the above directions to progress the appeal.

**Case Name:**

**Ricardo Leonard**

**v**

**The Commissioner of Police**

**[BVIMCRAP2020/0003]**

**[BVIMCRAP2020/0004]**

**[BVIMCRAP2020/0005]**

**(Territory of the Virgin Islands)**

**Date:**

**Monday 13<sup>th</sup> May 2024**

**Coram:**

**Mrs. Michelle John-Theobalds, The Chief Registrar**

**Appearances:**

**Appellant:**

**Mr. Stephen Daniels**

**Respondent:** Ms. Kellee-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 22<sup>nd</sup> October 2024 to allow the appellant to be present personally to indicate whether he is still interested in prosecuting his appeal.
2. 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 intimated to the Court that he had not received complete instructions from the appellant in relation to this matter. He also intimated that while the Record of Appeal was ready, the appellant has not paid his fees in relation to this matter. The Court upon hearing counsel for the appellant's indications, made the above order.

**Case Name:** David Straker  
v  
The Commissioner of Police  
[BVIMCRAP2020/0006]  
(Territory of the Virgin Islands)

**Date:** Monday 13<sup>th</sup> May 2024



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

**Appearances:**

**Appellant:** Mr. Stephen Daniels

**Respondent:** Ms. Kelle-Gai Smith holding papers for Ms. Tiffany Scatliffe, The Direction 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 14<sup>th</sup> June 2024.
2. The respondent shall file and serve written submissions with authorities on or before 19<sup>th</sup> July 2024.
- 3 The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 2<sup>nd</sup> August 2024.
5. 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:** Counsel for the appellant indicated to the Court he had not received a notification from the DPP that the Record of Appeal had been uploaded on the E-

Litigation Portal. Under the circumstances, to progress the matter, directions were given for the filing of submissions.

|                 |                                                                                                                                                                                                                                                                               |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Case Name:      | David Straker<br>v<br>The Commissioner of Police<br>[BVIMCRAP2020/0007]<br><br>(Territory of the Virgin Islands)                                                                                                                                                              |
| Date:           | Monday 13 <sup>th</sup> May 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:<br><br>1. The appellant shall file and serve written submissions with authorities on or before 14 <sup>th</sup> June 2024.<br>2. The respondent shall file and serve written submissions with authorities on or before 19 <sup>th</sup> July 2024. |

- 3 The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 2<sup>nd</sup> August 2024.
5. 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:** Counsel for the appellant indicated to the Court he had not received a notification from the DPP that the Record of Appeal had been uploaded on the E-Litigation Portal. Under the circumstances, to progress the matter, directions were given for the filing of submissions.

**Case Name:** Kelly Ann Percival  
v  
Alimha Beresford  
[BVIMCVAP2019/0001]  
(Territory of the Virgin Islands)

**Date:** Monday 13<sup>th</sup> May 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 22<sup>nd</sup> October 2024, unless a consent order is sooner filed.

**Reason:**

The parties intimated to the Court that they were concluding settlement discussions. As a result of the parties' intimation the Court was of the view that the matter should be adjourned in lieu of further applications to be made.

**Case Name:**

**Tamara Maduro  
v  
Kads Pool Services Limited  
[BVIMCVAP2022/0003]  
(Territory of the Virgin Islands)**

**Date:**

**Monday 13<sup>th</sup> May 2024**

**Coram:**

**Mrs. Michelle John-Theobalds, The Chief Registrar**

**Appearances:**

**Appellant: Ms Nelcia St. Jean**

**Respondent: Mr. Dion Anselm**

**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 22<sup>nd</sup> October 2024 to allow the parties to hold settlement discussions.

**Reason:**

While the Notice of Appeal and Record of Appeal have been filed, the appellant intimated to the Court that submissions have not been filed in this matter. The appellant also indicated that it was her wish to enter into settlement discussions with the respondent. The Court upon considering the circumstances was of the view that the matter should be adjourned.