

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING

**SAINT VINCENT AND THE GRENADINES
VIDEOCONFERENCE**

Monday, 17th January 2022

Case Name: [1] Samuel David Samuel
[2] Osborne Hewitt

v

George Scotland

[SVGHCVAP2019/0023]

Date: Monday, 17th January 2022

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Ms. Jenell Gibson holding papers for Mr. Duane Daniel

Respondent: Ms. Patricia Marks-Minors holding for Mr. Ronald Marks

Issue: The status of the matter

**Type of
Order:**

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall file and serve the Record of Appeal on or before 1st March 2022.**
- 2. The matter shall thereafter proceed in accordance with the Civil Procedure Rules 2000.**

Reason:

The transcript of proceedings is not complete as there is no audio. This is due to the fact that this is a judgment of a master, recordings of which are not usually recorded. The matter should therefore proceed on the written judgment.

Case Name:

Alicia Browne

V

RBTT Bank Caribbean Limited

[SVGHCVAP2015/0018]

Date:

Monday, 17th January 2022

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mr. Akin John

Issue: The 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 State of Saint Vincent and the Grenadines scheduled for 13th July 2022, unless a Notice of Discontinuance is sooner filed.

Reason: The Court noted that the Order dated 7th June 2021 adjourning matter to the 17th January 2022 unless a notice of discontinuance was filed. was sent to counsel via email 10 June 2021. Counsel for the respondent informed that he has not been served with a Notice of Discontinuance and has not had discussions with counsel for the appellant with regards to the same.

Case Name: Brandon Lynch

V

Kenrick Isaacs

[SVGHCVAP2016/0030]

Date: **Monday, 17th January 2022**

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

Appearances:

Appellant:	Ms. Patricia Marks Minor holding for Mr. Ronald Marks
Respondent:	Mr. Michael Wylie

Issue: **The 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 State Saint Vincent and the Grenadines scheduled for 13th July 2022, unless a consent order is sooner filed.

Reason: **Counsel for the appellant informed that the parties have agreed that the matter should be remitted to the High Court. However, Mr. Wylie has informed that no formal discussions have been held. The parties were urged to meet to**

agree and present a consent order for the Court's consideration.

Case Name: Representatives of Winston Knights

V

Leroy Knights

[SVGHCVAP2018/0002]

Date: Monday, 17th January 2022

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Samantha Robertson

Respondent: Ms. Rochelle Forde

Issue: The 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 in Saint Vincent and the Grenadines scheduled for

13th July 2022 to allow the parties to engage in settlement discussions.

Reason: Ms. Robertson indicated to the Court that the parties have not been able to hold discussions as a result of Covid. The parties therefore requested one final adjournment to hold discussions in an attempt to reach settlement in this matter. Counsel believe that they may be able to have this matter settled. They apologize for not being able to do it before as Covid has affected both sides at one point or another.

Case Name: [1] Julian Sutherland
[2] Justin Douglas
[3] BDS Radio T/A Nice Radio
[4] Carlos Maloney & Co Limited T/A Cross Country Radio

V

Sean Stanley

[SVGHCVAP2019/0007]

Date: Monday, 17th January 2022

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Ms. Samantha Robertson holding for Ms. Kay Bacchus-Baptiste
Respondent:	Mrs. Patricia Marks-Minors holding for Mr. Ronald Marks

Issue: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED AND DIRECTED THAT:

1. The Registrar of the High Court shall continue efforts to 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.
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.

Reason: The Court noted that the transcript is still incomplete.

Case Name: Helon Quammie

V

Learna Quammie

[SVGHCVAP2017/0002]

Date: **Monday, 17th January 2022**

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

Appearances:

Appellant: **Mr. Roderick Jones holding for Ms. Shirlan Barnwell**

Respondent: **Mr. Richard Williams**

Issue: **The status of the matter**

Type of Order: **Directions**

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

- 1. The appellant shall file and serve the Record of Appeal on or before 15th March 2022.**
- 2. The appellant shall file and serve written submissions with authorities on or before 29th April 2022.**

- 3. The respondent shall file and serve written submissions with authorities on or before 30th May 2022.**
- 4. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary on or before 14th June 2022.**
- 5. The hearing of the appeal is fixed for the next sitting of the Court of Appeal for the State of Saint Vincent and the Grenadines scheduled for the week commencing 18th July 2022.**

Reason:

The Court was informed that the transcript of proceedings has been ready since May 2020 and was paid for by the respondent, who is anxious to have the matter dealt with. Counsel Barnwell gave an undertaking that she will have the Record of Appeal ready by 15th March 2022.

Case Name:

**[1] Michael Luik
[2] Mark Luik
[3] Timothy Luik**

V

Shelia George

[SVGHCVAP2019/0018]

Date: Monday, 17th January 2022

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Mr. Roderick Jones

Respondent: Ms. Jenell Gibson, holding a watching brief on behalf of the respondent

Issue: The status of the matter

Type of Order: Directions

Result/ Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall file a copy of the order being appealed on or before 31st January 2022.
2. The Registrar of the High Court shall provide the reasons for decision for the order dated 14th June 2019 on or before 15th March 2022.
3. The matter is adjourned to the next Status Hearing for the Court of Appeal in Saint Vincent and the Grenadines scheduled for 13th July 2022 for the appellant to provide proof of service of

the Notice of Appeal on the respondent.

Reason:

There is no transcript of proceedings in the matter. A letter dated 29th May 2019 was sent to the Registrar requesting reasons for decision. The Court noted that there was no formal response to the letter.

The Court also noted that the Notice of Appeal did not include the order dated 14th June 2019 which is being appealed.

Case Name:

Michael Wylie

V

[1] Magavon Toby

[2] Dianetta Patrick

[SVGHCVAP2019/0005]

Date:

Monday, 17th January 2022

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondents: Ms. Jenell Gibson holding papers for Mr. Duane Danie for the first respondent

Ms. Paula David for the second respondent

Issue: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve the Record of Appeal on or before 11th March, 2022.
2. The appellant shall file and serve written submissions with authorities, on or before 15th April, 2022.
3. The respondent shall file and serve written submissions with authorities on or before 15th May, 2022.
4. The appellant is at liberty to file and serve written submissions in reply, if necessary, on or before 31st May, 2022.
5. The hearing of the appeal is fixed for the next Sitting of the Court of Appeal in Saint Vincent and the Grenadines scheduled for the week commencing 18th July, 2022.

Reason: The Court was informed that the Record of Appeal was not filed in the matter.

Case Name: **The Public Service Commission**

V

The Public Service Union

[SVGHCVAP2019/0004]

Date: **Monday, 17th January 2022**

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

Appearances:

Appellant: **Ms. Cerepha Harper-Joseph**

Respondent: **Mr. Roderick Jones holding papers for Mr. Jomo Thomas**

Issue: **The status of the matter**

Type of Order: **Directions**

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

- 1. The Registrar of the High Court shall continue efforts to 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.
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.

Reason: The Court noted that the transcript of proceedings was not complete.

Case Name: [1] Calvert Samuel
[2] Jaimson Samuel
V
First St. Vincent Bank Ltd
[SVGHCVAP2019/0002]

Date: Monday, 17th January 2022

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants:	Ms. Jenell Gibson holding papers for Mr. Duane Daniel
Respondent:	Mr. Akin John holding papers for Mr. Stanley John, QC

Issue: The status of the matter

Type of
Order:

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall continue efforts to 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.**

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.

Reason:

The Court noted that the transcript of proceedings was not complete.

Case Name:

Edmund Smith

V

Carol Jardine

[SVGHCVAP2017/0003]

Date:

Monday, 17th January 2022

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Samantha Robertson

Respondent: Ms. Jenell Gibson holding papers for Mr. Duane Daniel

Issue: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve the Record of Appeal on or before 28th February 2022.
2. The appellant shall file and serve written submissions with authorities on or before 31st March 2022.
3. The respondent shall file and serve written submissions with authorities on or before 2nd May 2022.

4. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 17th May 2022.
5. The hearing of the appeal is fixed for the next sitting of the court of appeal for the State of St Vincent and the Grenadines scheduled for the week commencing 18th July 2022.

Reason:

The Court was informed that the transcript of proceedings is complete. However, counsel indicated that there are outstanding orders which have not been perfected on both sides. They therefore requested more time to finalise these issues before the Record of Appeal is filed.

Case Name:

Princess Bibby

V

- [1] Anthony Constantine**
- [2] Kelly-Ann Constantine**
- [3] Jimmy Constantine**
- [4] Melvina Constantine**

SVGMCVAP2018/0004

Date: **Monday, 17th January 2022**

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

Appearances:

Appellant: **Ms. Ronnia Durham-Balcombe**

Respondent: **Mr. Roderick Jones holding a watching brief**

Issue: **The 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 state of Saint Vincent and the Grenadines scheduled for 13th July 2022, for the appellant to indicate whether he is still interested in prosecuting the appeal.

Reason: **Counsel for the appellant informed the Court that she has lost touch with her client. Counsel indicated that she was served with the Notice of**

Availability of Transcript and only appears as a courtesy.

Counsel for the appellant requested that the matter be adjourned to allow her to make contact with the appellant to find out if she is still interest in prosecuting the appeal. Counsel for the respondent did not object as this is the only option available to the parties.

The matter was accordingly adjourned.

Case Name: Justin Caesar

v

Sybil Coombs

[SVGHCVAP2016/0002]

Date: Monday, 17th January 2022

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Ms. Samantha Robertson

Respondent: No appearance

Issue: The 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 State of Saint Vincent and the Grenadines scheduled for 13th July 2022, unless a Notice of Discontinuance is sooner filed.

Reason:

Counsel for the appellant indicated that the appellant does not wish to proceed with the matter and indicated that a Notice of Discontinuance will be filed shortly.

Case Name:

Nia Grecia

V

Malicia Nererson

[SVGMCVAP2019/0002]

Date:

Monday, 17th January 2022

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: No appearance

Issue: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

1. Upon the court noting that the appellant was served to be present at this hearing, but she is not, the matter is adjourned to the next status hearing of the court of appeal for the State of Saint Vincent and the Grenadines scheduled for 13th July 2022, for the appellant to be present to indicate whether she is still interested in prosecuting the appeal.
2. The Registrar of the High Court shall serve a copy of this order on the parties personally and shall provide proof of service thereafter.

Case Name: Ian Fraser

V

[1] Bruce Brown
[2] Ernest Brown

[SVGMCVAP2019/0003]

Date: **Monday, 17th January 2022**

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

Appearances:
Appellant: **No appearance**
Respondents: **In person**

Issue: **The status of the matter**

Type of Order: **Adjournment**

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

1. Upon the court noting that the appellant was not served to be present at this hearing, the matter is adjourned to the next status hearing of the court of appeal for the State of Saint Vincent and the Grenadines scheduled for 13th July 2022, for the appellant to be present to indicate whether he 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:

The Court was informed that the appellant was not served with the Certificate of Result of Status Hearing as though he has returned to the State, he has been evading the Bailiff for service.

The High Court was therefore asked to put in an affidavit of attempted service in relation to the parties.

Case Name:

Francis Robinson

V

Tasca Abbott

[SVGMCVAP2019/0006]

Date:

Monday, 17th January 2022

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: No appearance

Issue: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

1. Upon the court noting that the appellant was not served to be present at this hearing, the matter is adjourned to the next status hearing of the court of appeal for the State of Saint Vincent and the Grenadines scheduled for 13th July 2022, for the appellant to be present to indicate whether he 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: The Court was informed that the appellant has been evading service from the bailiff.

The High Court was therefore asked to put in an affidavit of attempted service in relation to the parties.

Case Name: Cedal Webb-Allen

V

Annette Joseph

[SVGMCVAP2020/0005]

Date: **Monday, 17th January 2022**

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

Appearances:

Appellant: **In person**

Respondent: **Ms. Ronnia Durham-Balcombe**

Issue: **The status of the matter**

Type of Order: **N/A**

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

Upon noting the indication from the appellant that she is no longer interested in prosecuting the appeal, the appeal is hereby withdrawn and discontinued.

Reason: **The appellant indicated that she is no longer interested in prosecuting the appeal.**

Case Name:

Calvin Parsons

V

[1] Terrance Bartholmew

[2] Dan Hazel

[SVGMCVAP2020/0004]

Date:

Monday, 17th January 2022

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: No appearance

Issue:

The status of the matter

**Type of
Order:**

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellant is at liberty to file and serve written submissions with authorities on or before 28th February 2022.**
- 2. The respondent is at liberty to shall file and serve written submissions with authorities on or before 28th March 2022.**

3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary on or before 12th April 2022.
4. The hearing of the appeal is fixed for the next sitting of the court of appeal for the State of St Vincent and the Grenadines scheduled for the week commencing 18th July 2022.
5. 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 was informed that the Record of Appeal has been served on the parties. Accordingly, the Court gave directions for the progress of the appeal.

Case Name:

Jeron Glasgow

V

Sophia Charles

[SVGMCVAP2020/0008]

Date: **Monday, 17th January 2022**

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

Appearances:

Appellant: In person

Respondent: In person

Issue: The status of the matter

Type of Order: N/A

Result/ Order: IT IS HEREBY ORDERED THAT:

Upon noting the indication from the appellant that he is no longer interested in prosecuting the appeal, the appeal is hereby withdrawn and discontinued.

Reason: The appellant informed that he no longer wished to proceed with the appeal.

Case Name: Judy Cordice

V

Rosan Davis

[SVGMCVAP2020/0003]

Date: Monday, 17th January 2022

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: No appearance

Issue: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The appellant is at liberty to file and serve written submissions with authorities on or before 28th February 2022.
2. The respondent is at liberty to shall file and serve written submissions with authorities on or before 28th March 2022.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 12th April 2022.
4. The hearing of the appeal is fixed for the next sitting of the court of appeal for the State of St Vincent and the Grenadines scheduled for the week commencing 18th July 2022.

5. 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 was informed that the Record of Appeal has been served on the parties. Accordingly, the Court gave directions for the progress of the appeal.

Case Name: Jilley Mitchell
V
Latisha Jackson
[SVGMCVAP2020/0010]

Date: Monday, 17th January 2022

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: In person
Respondent: No appearance

Issue: The status of the matter

Type of
Order:

Directions

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellant is at liberty to file and serve written submissions with authorities on or before 28th February 2022.**
- 2. The respondent is at liberty to shall file and serve written submissions with authorities on or before 28th March 2022.**
- 3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 12th April 2022.**
- 4. The hearing of the appeal is fixed for the next sitting of the court of appeal for the State of St Vincent and the Grenadines scheduled for the week commencing 18th July 2022.**
- 5. 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 was informed that the Record of Appeal has been served on the parties. Accordingly, the Court gave directions for the progress of the appeal.

Case Name: Terrance John
V
Ivan Matthews
[SVGMCVAP2020/0007]

Date: Monday, 17th January 2022

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Ms. Samantha Robertson
Respondent: Ms. Kay Bacchus-Baptiste

Issue: The 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 State of Saint Vincent and the Grenadines scheduled for 13th July 2022, to allow the parties to continue settlement discussions.

Reason: The parties are still in the process of holding settlement discussions and requested an adjournment.

Case Name: Shemmica Cain

V

Keisha Bailey

[SVGMCVAP2018/0002]

Date: Monday, 17th January 2022

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: In person

Issue: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The appellant is at liberty to file and serve written submissions with authorities on or before 28th February 2022.
2. The respondent is at liberty to shall file and serve written submissions with authorities on or before 28th March 2022.

- 3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 12th April 2022.**
- 4. The hearing of the appeal is fixed for the next sitting of the court of appeal for the State of St Vincent and the Grenadines scheduled for the week commencing 18th July 2022.**
- 5. 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 was informed that the Record of Appeal has been served on the parties. Accordingly, the Court gave directions for the progress of the appeal.