

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING
MONTSERRAT
VIDEOCONFERENCE

Thursday, 16th July 2021

Case Name: Benjamin Ponteen, the Lawful Attorney for Carolie Ponteen
v
[1] Montserrat Land Development
[2] The Hon. Attorney General
[MNIHCVAP2018/0011]

Date: Thursday, 16th July 2021

Before: Mr. Carlos Cameron Michel, Chief Registrar [Ag.]

Appellant: Mr. David Dorsett

Respondents: Ms. Renee Morgan

Issues: Status of the matter

Type of order: Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

Upon noting that the transcript of proceedings has not yet been prepared, the matter is adjourned to the next status hearing of the Court for Montserrat on 2nd February 2022.

Reason: The Court noted that the matter was not ready to proceed given that the transcript of proceedings had not yet been prepared.

Case Name: **Bertrand Burke**
v
[1] Mildred Kirwan
[2] Highlander Properties Ltd.
[MNIHCVAP2019/0007]

Date: Thursday, 16th July 2021

Before: Mr. Carlos Cameron Michel, Chief Registrar [Ag.]

Appellant: No appearance

Respondents: Mr. Lawrence Daniels for the 1st respondent; No appearance for the 2nd respondent

Issues: Status of the matter

Type of order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The matter is fixed for hearing before the Full Court at the sitting of the Court of Appeal for Montserrat during the week commencing 7th February 2022.
2. The Registrar of the High Court shall cause a copy of this order to be served on the appellant personally and shall provide proof of service thereafter.

Reason: The matter was adjourned given that the appellant was absent and unable to provide the Court with the status of the matter.

Case Name: Harold Sweeney
v
Julia Ernestine Lee
[2] Montserrat Utilities Limited
[MNIHCVAP2019/0005]

Date: Thursday, 16th July 2021

Before: Mr. Carlos Cameron Michel, Chief Registrar [Ag.]

Appellant: Mr. Warren Cassell

Respondents: Mr. Sylvester Carrott for the 1st respondent and Mr. Khari Markham for the 2nd respondent

Issues: 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 31st August 2021.
2. The appellant shall file and serve written submissions with authorities on or before 30th September 2021.

3. The respondents shall file and serve written submissions with authorities on or before 1st November 2021.
4. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 16th November 2021.
5. The matter is fixed for hearing at the sitting of the Court of Appeal for Montserrat during the week commencing 7th February 2022.

Reason: Directions were necessary to further the matter.

Case Name: Richard Samuel
v
Emmanuel Galloway
[MNIHCVAP2019/0004]

Date: Thursday, 16th July 2021

Before: Mr. Carlos Cameron Michel, Chief Registrar [Ag.]

Appellant: No appearance

Respondent: Mr. Jean Kelsick

Issues: Status of the matter

Type of order: Adjournment

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

Upon noting that the appellant is deceased and counsel on record for the appellant is not present, the matter is adjourned to the next status hearing of the Court for Montserrat on 2nd February 2022.

Reason:

The matter was adjourned as the Court noted that the appellant was now deceased and necessary steps would have to be taken.

Case Name:

The Attorney General

v

Simon Riley

[MNIHCVAP2019/0008]

Date:

Thursday, 16th July 2021

Before:

Mr. Carlos Cameron Michel, Chief Registrar [Ag.]

Appellant:

Ms. Sheree Jemmotte-Rodney

Respondents:

Mr. Sylvester Carrott

Issues:

Status of the matter

Type of order:

Directions

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The parties shall agree on the documents to be included in the record of appeal on or before 30th July 2021.
2. The appellant shall file and serve the record of appeal on or before 31st August 2021.

3. The appellant shall file and serve written submissions with authorities on or before 30th September 2021.
4. The respondent shall file and serve written submissions with authorities on or before 1st November 2021.
5. The appellant is at liberty to file and serve and written submissions with authorities in reply, if necessary, on or before 16th November 2021.
6. The matter is fixed for hearing at the sitting of the Court of Appeal for Montserrat during the week commencing 7th February 2022.

Reason: Directions were necessary to further the matter.

Case Name: Bank of Montserrat
v
Owen Rooney
[MNIHCVAP2018/0007]

Date: Thursday, 16th July 2021

Before: Mr. Carlos Cameron Michel, Chief Registrar [Ag.]

Appellant: Mr. Kharl Markham

Respondent: In person

Issues: Status of the matter

Type of order: Directions

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

1. Upon the indication from the respondent that an application was filed by the respondent on 6th July 2021 to strike out the appeal, the matter is removed from the status hearing list.
2. The application to strike out the appeal shall be set down for hearing on a date to be fixed by the Chief Registrar.
3. The Registrar of the High Court shall cause a copy of this order to be served on the respondent and shall provide proof of service thereafter.

Reason: The respondent indicated that an application to strike out the appeal had been filed.

Case Name: Denzil Edgecombe
v
[1] The Premier
[2] The Honourable Attorney General
[MNIHCVAP2016/0007]

Date: Thursday, 16th July 2021

Before: Mr. Carlos Cameron Michel, Chief Registrar [Ag.]

Appellant: Dr. David Dorsett

Respondents: Ms. Renee Morgan

Issues: Status of the matter

Type of order: Directions

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. Upon noting the application filed on 22nd June 2021 to strike out the notice of appeal, the matter is removed from the status hearing list.
2. The application to strike out the notice of appeal is fixed for hearing before the Full Court at the sitting of the Court of Appeal for Montserrat during the week commencing 7th February 2022.

Reason:

The Court noted that an application to strike out the notice of appeal had been filed by the Crown.

Case Name:

Catherine Tuitt

v

[1] Ann Thomas

[2] Justin Thomas

[MNIHCVAP2019/0015]

Date:

Thursday, 16th July 2021

Before:

Mr. Carlos Cameron Michel, Chief Registrar [Ag.]

Appellant:

In person

Respondents:

Ms. Marcelle Watts

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 Montserrat on 2nd February 2022 to allow the appellant time to retain legal representation.
2. The Registrar of the High Court shall cause a copy of this order to be served on the appellant personally and shall provide proof of service thereafter.

Reason:

The matter was adjourned to allow the appellant time to retain legal representation.

Case Name:

**Dennison Daley
v
[1] Denzel West
[2] Attorney General of Montserrat
[MNIHCVAP2019/0011]**

Date:

Thursday, 16th July 2021

Before:

Mr. Carlos Cameron Michel, Chief Registrar [Ag.]

Appellant:

No appearance

Respondents:

Ms. Renee Morgan

Issues:

Status of the matter

Type of order:

Adjournment

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. There being no appearance by or for the appellant, the matter is adjourned to the next status hearing of the Court for Montserrat scheduled for 2nd February 2022.
2. The Registrar of the High Court shall cause a copy of this order to be served on the appellant personally and shall provide proof of service thereafter.

Reason:

The matter was adjourned as there had been no appearance of the appellant.

Case Name:

Sylvester Solomon

v

Cassandra Weekes

[MNIMCVAP2016/0002]

Date:

Thursday, 16th July 2021

Before:

Mr. Carlos Cameron Michel, Chief Registrar [Ag.]

Appellant:

No appearance

Respondent:

Ms. Chivone Gerald

Issues:

Status of the matter

Type of order:

N/A

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. Upon noting that this matter was previously adjourned by the Full Court at the request of the respondent, the matter is relisted for hearing before the Full Court at the sitting of the Court of Appeal for Montserrat during the week commencing 7th February 2022.**
- 2. The Registrar of the High Court shall cause a copy of this order to be served on the appellant personally and shall provide proof of service thereafter.**

Reason:

The Court noted that the matter was ready to proceed.