

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING

TERRITORY OF THE VIRGIN ISLANDS
VIDEOCONFERENCE
Tuesday, 3rd May 2022

STATUS HEARINGS

Case Name: Claude Skelton-Cline
v
Cabinet of the Virgin Islands

[BVIHCVAP2019/0003]

Date: Tuesday, 3rd May 2022
Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
 Appellant: Ms. Malika George
 Respondent: Ms. Maya M. Barry

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: [Oral Delivery]

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 26th September 2022, to allow the

appellant to continue to make the necessary arrangements for the payment of the transcript of proceedings.

Reason: The appellant indicated that he has been unable to acquire finances to pay for the transcript of proceedings and requested more time to do so. The respondent did not object to the request.

Case Name: Bernadette McKelly
v
The Registrar of Lands
[BVIHCVAP2020/0007]

Date: Tuesday, 3rd May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: In person
Respondent: No appearance

Issues: Status of the matter

Type of Order: Directions

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The appellant shall make the necessary arrangements for the payment of the transcript of proceedings in a timely manner.
2. The matter shall thereafter proceed in accordance with the Civil Procedure Rules 2000.
3. 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 transcript of proceedings has been prepared, however, due to financial challenges, the appellant requested additional time to acquire the funds to pay.

Case Name:

John Forster Emmott
v
Michael Wilson & Partners Ltd.
[BVIHCMAP2017/0002]

Michael Wilson & Partners Ltd.
v
John Forster Emmott
[BVIHCMAP2017/0003]

Kazholdings Incorporated
Kazholdings LLP et al
v
[1] John Forster Emmott
[2] Michael Wilson & Partners Ltd.
[BVIHCMAP2017/0005]

Date: Tuesday, 3rd May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Mr. John Forster Emmott in person
Mr. Michael Wilson in person
Ms. Laura Gunn for Kazholdings Incorporated and
Kazholdings Incorporated LLP

Respondents: Mr. John Forster Emmott in person
Mr. Michael Wilson 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 appellant, John Forster Emmott with the necessary banking information on or before 6th May 2022, to allow for payment of the transcript of proceedings.**
- 2. The appellant, John Forster Emmott shall make the necessary arrangements for the payment of the transcript of proceedings in a timely manner after the banking information has been provided by the Registrar of the High Court.**
- 3. The matter shall thereafter proceed in accordance with the Civil Procedure Rules 2000.**

Reason:

The transcript of proceedings has been prepared and Mr. John Forster Emmott indicated that he would be in a position to pay the costs of the transcript once he receives the necessary banking information from the Court. Directions were therefore necessary to further the matter.

Case Name:

Charmaine Rosan-Bunbury

v

The Attorney General

[BVIHCVAP2015/0017]

Date:

Tuesday, 3rd May 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. David Penn

Respondent:

Ms. Maya M. Barry

Issues:

Status of the matter

Type of Order:

Adjournment

Result / Order: [Oral Delivery]

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 26th September 2022 to allow the parties to take the necessary steps to continue efforts to reconstruct the file in this matter.

Reason: The matter was adjourned as the case file was destroyed in Hurricane Irma in September 2017 and the parties require additional time to reconstruct the file.

Case Name: **Rasshain Lavacia**
V
International Motors Limited
[BVIHCVAP2015/0013]

Date: Tuesday, 3rd May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance
Respondent: Mr. Dave Marshall

Issues: Status of the matter

Type of Order: N/A

Result / Order: N/A

Reason: The Court noted that a notice of appeal has never been filed in this matter therefore, the jurisdiction of the Court had not been engaged. Accordingly, no order can be made in this matter.

Case Name: **McArthur Engineering Company Limited**
v
[1] Christian Cottoy
[2] Annita Cottoy
[BVIHCVAP2016/0001]

Date: **Tuesday, 3rd May 2022**

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

Appearances:
Appellant: **Mr. Monroe Penn in person**
Respondents: **No appearance**

Issues: **Status of the matter**

Type of Order: **Adjournment**

Result / Order: **[Oral Delivery]**

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 26th September 2022 to allow the appellant to provide the court with a filed copy of the notice of appeal in this matter.**
- 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 Court noted that although leave to appeal was granted by this Court in February 2016, it is unclear whether the notice of appeal was in fact filed by the appellant's former counsel, accordingly the appellant requested additional time to settle the matter and to retain new counsel.**

Case Name: Chagala Group Ltd
v
TIPP Investments PCC
[BVIHCMAP2018/0017]

Date: Tuesday, 3rd May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance
Respondent: No appearance

Issues: Status of the matter

Type of Order: N/A

Result / Order: IT IS HEREBY ORDERED THAT:

The matter is removed from the Status Hearing List and will be placed before the Full Court.

Reason: The parties expressed in writing their intention to dispose of the appeal.

Case Name: Emmerson International Corporation
v
Renova Industries Ltd
[BVIHCMAP2019/0018]

Date: Tuesday, 3rd May 2022

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance
Respondent: No appearance

Issues: Status of the matter

**Type of Oral
Result / Order
Delivered:** N/A

Result / Order: IT IS HEREBY ORDERED THAT:
This matter be removed from the Status Hearing List.

Reason: This matter was listed in error as it has already been heard before the full court.

Case Name: [1] Sylvia Maduro-Dale
[2] Lucia Chalwell
v
The Registrar of Lands
[BVIHCVAP2010/0022]

Date: Tuesday, 3rd May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellants: No appearance
Respondent: Ms. Maya M. Barry

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: [Oral Delivery]

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 26th September 2022 to allow the appellants to indicate whether they are still interested in prosecuting this appeal.
2. The Registrar of the High Court shall serve a copy of this order on the appellants and shall provide proof of service thereafter.

Reason: The Court noted that the appellants were not with the notice of status hearing and on the last occasion, their counsel's application to be removed from the record was granted.

Case Name: The Queen
v
[1]Yan Edwards
[2] Allen Baptiste
[BVIHC RAP2020/0002]

Date: Tuesday, 3rd May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Ms. Kellee-Gai Smith
Respondents: Mr. Sherfield Bowen for Mr. Edwards
Mr. Israel Bruce for Mr. Baptiste

Issues: Status of the matter

Type of Order: N/A

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

The hearing of the appeal is fixed for the next sitting of the Court of Appeal in the Territory of the Virgin Islands scheduled for the week commencing 3rd October 2022.

Reason: Submissions have been filed by all parties and the matter is ready to proceed.

Case Name: Antonio Stoutt
V
The Commissioner of Police
[BVIMCRAP2015/0006]

Date: Tuesday, 3rd May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Stephen Daniels appearing amicus curiae
Respondent: Mrs. Tiffany Scatliffe-Esprit, Director of Public Prosecutions

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. Counsel Mr. Stephen Daniels shall take the necessary steps to enter a notice of acting for the appellant on or before 13th May 2022.
2. The matter is adjourned to the next Status Hearing of the Court for the Territory of the

Virgin Islands scheduled for 26th September 2022.

Reason: Mr. Daniels indicated that he had only recently been approached by the appellant and has yet to file a notice of acting. He also informed that he required time to peruse the record to decide whether the notice of appeal needs to be amended.

Case Name: Jaime Scatliffe
v
The Commissioner of Police

[BVIMCRAP2020/0008]
[BVIMCRAP2020/0009]
[BVIMCRAP2020/0010]

Date: Tuesday, 3rd May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Michael Maduro

Respondent: Ms. Kellee-Gai Smith

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: [Oral Delivery]

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 26th September 2022 to allow counsel for

the appellant to regularise his legal representation of the appellant and to be fully instructed.

Reason: The appellant required additional time to properly retain and instruct counsel.

Case Name: Delvin Green
v
The Commissioner of Police

[BVIMCRAP2020/0002]
[BVIMCRAP2020/0009]

Date: Tuesday, 3rd May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Michael Maduro holding for Ms. Valerie Gordon
Respondent: Mrs. Tiffany Scatliffe-Esprit, Director of Public Prosecutions

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: [Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The Senior Magistrate shall cause a supplemental record of appeal to be filed to include the reasons for decision on or before 29th July 2022, failing which the Magistrate shall provide an affidavit giving reasons for the non-compliance.
2. The matter is adjourned to the next Status Hearing of the Court for the Territory of the

Virgin Islands scheduled for 26th September 2022.

Reason: The record of appeal does not contain the reasons for decision from the magistrate, therefore additional time was required to rectify this issue.

Case Name: Ricardo Leonard
v
The Commissioner of Police

[BVIMCRAP2020/0003]
[BVIMCRAP2020/0004]
[BVIMCRAP2020/0005]

Date: Tuesday, 3rd May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Stephen Daniels appearing amicus curiae
Respondent: Mrs. Tiffany Scatliffe-Esprit, Director of Public Prosecutions

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: [Oral Delivery]

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 26th September 2022 to allow the appellant to provide proof of service of the notice of appeal on the respondent.

Reason: The respondent informed the Court that it had not been served with the notice of appeal.

Case Name: Brian Penn
v
The Commissioner of Police
[BVIMCRAP2018/0003]

Date: Tuesday, 3rd May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In person

Respondent: Mrs. Tiffany Scatliffe-Esprit, Director of Public Prosecutions

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: [Oral Delivery]

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 26th September 2022 to allow the appellant to provide proof of service of the notice of appeal on the respondent.
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 respondent informed the Court that it had not been served with the notice of appeal. The appellant indicated that he would require some time to ascertain whether the matter contact his former counsel who prepared the notice of appeal.

Case Name: Sayied Scatliffe
V
Smith Seaman
[BVIMCVAP2016/0002]

Date: Tuesday, 3rd May 2022

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Michael Maduro appearing amicus curiae
Respondent: Ms. Malika George

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: [Oral Delivery]

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 26th September 2022 for the appellant to indicate whether he is still interested in prosecuting 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: Counsel for the appellant was not certain whether the appeal is still viable and will take instructions from the

appellant to determine whether he remains interested in prosecuting the appeal.

Case Name:

Kelly Ann Percival

V

Alimha Beresford

[BVIMCVAP2019/0001]

Date:

Tuesday, 3rd May 2022

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Michael Maduro

Respondent:

No appearance

Issues:

Status of the matter

Type of Order:

Adjournment

Result / Order:

[Oral Delivery]

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 26th September 2022 to allow the parties to continue settlement discussions.

Reason:

The parties requested additional time to continue engaging in settlement discussions.