

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING
SAINT LUCIA
VIDEOCONFERENCE
Monday, 1st November 2021

Case Name: **Evariste Ambrose**
v
Antoine Baptiste
[SLUHCVAP2015/0029]
(Saint Lucia)

Date: **Monday, 1st November 2021**

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

Appearances:
Appellant: **Mrs. Wauneen Louis-Harris**
Respondent: **No appearance**

Issues: **The 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 of Saint Lucia scheduled for 1st March**

2022 to allow counsel for the respondent to provide an update in relation to the respondents in this matter.

2. The Registrar of the High Court shall serve a copy of this order on counsel for the respondent and shall provide proof of service thereafter.

Reason:

Counsel for the appellant represented that she was informed by counsel for the respondent that counsel has not been able to contact any of the heirs of the deceased respondent.

Case Name:

Lazarus Paul
v
[1]Rachel Willie-Trotman
[2]Douglas Trotman
[3]Teferi Trotman minor acting and
represented by his mother Rachel
Qillie-Trotman

[SLUHCVAP2017/0049]
(Saint Lucia)

Date:

Monday, 1st November 2021

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Gerard Williams

Respondents: Mrs. Wauneen Louis-Harris

Issues: The status of the matter

Type of Order: Adjournment

Result/Order: IT IS HEREBY ORDERED THAT:

1. The matter was adjourned to the next Status Hearing of the Court of Appeal for Saint Lucia scheduled for 1st March 2022, unless a consent order is sooner filed.

Reason: The parties are engaged in discussions and are hoping to continue said discussions with the intention of concluding the matter.

Case Name: Mattaniah Charlemagne
v
Saint Lucia National Housing Corporation
(formerly St. Lucia Housing Authority)
[SLUHC VAP2019/0004]
(Saint Lucia)

Date: Monday, 1st November 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellants: Ms. Natalie Da Breo

Respondents: Mrs. Edith Petra Jeffrey-Nelson

Issues: The 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 Saint Lucia scheduled for 1st March 2022, to allow counsel to make the necessary applications in relation to this matter.**

Reason: The transcript of proceedings is still outstanding and nothing further has been filed. Counsel for the appellant indicated that the appellant is financially constrained and was unable to procure the transcripts to progress the matter further.

Counsel for the respondent is of the view that the matter should be struck out as the Notice of Availability of Transcript was sent to the appellant quite some time ago.

Case Name: Mattaniah Charlemagne
v
Saint Lucia National Housing Corporation
(formerly St. Lucia Housing Authority)
[SLUHCVAP2019/0018]
(Saint Lucia)

Date: Monday, 1st November 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellants: Ms. Natalie Da Breo
Respondents: Ms. Edith Petra Jeffrey-Nelson

Issues: The 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 Saint Lucia scheduled for 1st March 2022, to allow counsel to make the necessary applications in relation to this matter.

Reason: The transcript of proceedings is still outstanding and nothing further has been

filed. Counsel for the appellant indicated that the appellant is financially constrained and was unable to procure the transcripts to progress the matter further.

Counsel for the respondent is of the view that the matter should be struck out as the Notice of Availability of Transcript was sent to the appellant quite some time ago.

Case Name: [1]Paramount Appliances Ltd
[2]Malcolm Charles
[3]Selma Anita Khodra Charles
v
The Bank of Nova Scotia
[SLUHCMA2019/0003]
(Saint Lucia)

Date: Monday, 1st November 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellants: No appearance
Respondent: Mr. Anwar Brice

Issues: The status of the matter

Type of Order: N/A

Result/Order:

IT IS HEREBY ORDERED THAT:

1. Upon noting the Notice of Discontinuance filed by the appellant on 29th October 2021, the appeal is hereby withdrawn and dismissed.
2. There is no order as to costs.

Reason:

A notice of discontinuance was filed by counsel for the appellant.

Case Name:

[1]Anne Marie Donnelly
[2]Dorothy Donnelly
Heirs at Law in the Estate of the late
Irena Edwin aka Irena Louison (nee)
Donnelly aka Irena Donnelly

v

[1]Lydia B. Faisal
[2]Paul Laurencin Louison aka Laurencin
Louison
[3]Glenda Antonia Donnelly

[SLUHCVAP2019/0008]
(Saint Lucia)

Date:

Monday, 1st November 2021

Before:

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

Appearances:

Appellants: Mr. Leevie Herelle

Respondents: Mrs. Edith Petra Jeffrey-Nelson with her, Mr. Sahleem Charles for the respondents

Issues: The 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 Saint Lucia scheduled for 1st March 2022, to allow counsel for the appellant to make the necessary application for the appointment of a representative for the appellant Stephen Donnelly who is deceased, and for respondent to make an application strike out the appeal.

Reason: Stephen is now deceased and there is no representative appointed. Counsel for the respondent indicated her intention to file a notice of application to strike out the appeal on the grounds of failure by the respondent to prosecute the appeal.

Case Name: James Jacques Valton
v
Heirs of Simeon Cherry represented by Earl Huntley

[SLUHCVAP2019/0009]
(Saint Lucia)

Date: Monday, 1st November 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: In Person

Respondent: Mr. Eghan Modeste

Issues: The 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 Saint Lucia scheduled for 1st March 2022.
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 the appellant had previously requested an adjournment to retain the services of a lawyer. The appellant was however absent from this proceeding. Counsel for the respondent agreed to an adjournment to allow the appellant to be

present instead of giving directions for the progress of the matter.

Case Name: **British American Insurance Company Ltd.**
v
Leo Harrigan et al
[SLUHCVAP2019/0015]
(Saint Lucia)

Date: **Monday, 1st November 2021**

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

Appearances:
Appellant: **Mrs. Wauneen Louis-Harris**
Respondents: **No appearance**

Issues: **The status of the matter**

Type of Order: **N/A**

Result/Order: **No order made.**

Reason: **There was no appeal before the Court.**

Case Name:

**Mary Floton
v
Jacqueline Emilien**

**[SLUHCVAP2019/0016]
(Saint Lucia)**

Date:

Monday, 1st November 2021

Before:

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

Appearances:

Appellant: Ms. Marie-Ange Symmonds

Respondent: Mr. Alvin St. Clair

Issues:

The status of the matter

Type of Order:

N/A

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. Upon noting the oral application from counsel for the appellant that the appellant no longer wishes to pursue the appeal, and that the appeal be discontinued, the appeal is hereby withdrawn and dismissed.**
- 2. There is no order as to costs.**

Reason:

Counsel for the appellant indicated that the appellant intends discontinue the appeal.

Counsel for the respondent is not seeking costs on the discontinuance.

Case Name:

**[1]Raphael Charlemagne
[2]Marilyn Martin aka Marilyn
Charlemagne**

v

**[1]The Attorney General et al
[2]St. Lucia National Housing
Corporation formerly St. Lucia
Housing Authority**

**[SLUHCVAP2019/0025]
(Saint Lucia)**

Date:

Monday, 1st November 2021

Before:

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

Appearances:

Appellants: Ms. Natalie Da Breo

**Respondents: Mrs. Antonia Charlemagne with her, Mrs.
Rochelle John-Charles for the first
respondent**

**Mrs. Edith Petra Jeffrey-Nelson for the
second respondent**

Issues:

The 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 Saint Lucia scheduled for 1st March 2022, to allow counsel on all sides to make the necessary steps in relation to this appeal.**

Reason: **Counsel for the appellant was unable to definitively say whether the appellant intends to prosecute the appeal but is hopeful that by the next status hearing, the relevant documents would be filed. Counsel for the 2nd respondent intends to make an application for the matter to be struck out because of the appellant's failure to prosecute the appeal.**

Case Name: **Christopher John Bristol**
v
Wendy Andrea Erica Bristol
[SLUHCVP2017/0048]
[SLUHCVP2021/0007]
(Saint Lucia)

Date: **Monday, 1st November 2021**

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

Appearances:

Appellant: Ms. Ann-Alicia Fagan

Respondent: No appearance

Issues: The 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 Saint Lucia scheduled for 1st March 2022, to allow counsel for the appellant to take the necessary steps to regularize service on the respondent.

Reason: The appellant has been unable to serve the Notice of the Appeal on the respondent who is now residing in the state of Antigua and Barbuda.

Case Name: Luvina Joseph

v

[1]William Gomez

[2]Albert Gomez

[SLUHCVP2018/0030]
(Saint Lucia)

Date: Monday, 1st November 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Jeannot Michel Walters

Respondents: Mr. Ephraim Edgar

Issues: The 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 Saint Lucia scheduled for 1st March 2022, unless a Notice of Discontinuance is sooner filed.

Reason: Counsel for the appellant indicated an intention to file a notice of discontinuance.

Case Name: Theresa Marcellin
v
St. Lucia Electricity Services
[SLUHCVAP2018/0038]
(Saint Lucia)

Date: Monday, 1st November 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Ms. Cynthia Hinkson- Ouhla

Respondents: Mr. Deale Lee

Issues: The status of the matter

Type of Order: N/A

Result/Order: IT IS HEREBY ORDERED THAT:

1. Upon noting the application filed by the respondent on 25th October, 2021 to strike out the appeal, the appeal is removed from the Status Hearing cause list pending the determination of the application.

Reason: The respondents indicated that due to the appellant's delay in prosecuting the appeal, they filed a Notice of Application to strike out the appeal on 25th October 2021. This application was not yet before the Court.

Case Name: [1]Caribbean Agricultural and Manufacturing Industries Limited (CAAMIL)

[2]Karran Singh

v

Kimlan Mason

**[SLUHCVAP2018/0003]
(Saint Lucia)**

Date: Monday, 1st November 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Mr. Gerard Williams

Respondent: No appearance

Issues: The 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 Saint Lucia scheduled for 1st March 2022, for the appellant to indicate whether it is interested in prosecuting the appeal.**
- 2. The Registrar of the High Court shall serve a copy of this order on the respondent personally and shall provide proof of service thereafter.**

Reason: Counsel for the appellants informed that he has not received further instructions in relation to this matter. Counsel gave an undertaking to seek to contact the parties to ascertain what their position is in relation to the prosecution of this appeal.

Case Name: Ruth Narcisse
v
Rasheiki Adolph
[SLUHCVAP2017/0004]

Date: Monday, 1st November 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellants: Ms. Cynthia Hinkson- Ouhla
Respondents: No appearance

Issues: The 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 Saint Lucia scheduled for 1st March 2022.

2. The Registrar of the High Court shall serve a copy of this order on the respondent personally and shall provide proof of service thereafter.

Reason:

Counsel for the appellant indicated that the appellant now resides in Martinique and indicated that there was a difficulty in getting further instructions. Counsel requested an adjournment to the next status hearing by which time the appellant should be ready to proceed.

Case Name:

The Attorney General
v
Malgretoute Hotel Development Company
Limited (In Liquidation)

[SLUHCVP2020/0017]
(Saint Lucia)

Date:

Monday, 1st November 2021

Before:

Mrs. Michelle John-Theobalds, Chief
Registrar

Appearances:

Appellant: Mr. George K. Charlemagne

Respondent: Mr. Mark Maragh

Issues: The status of the matter

Type of Order: Directions

Result/Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve submissions with authorities on or before 1st December 2021.
2. The respondent shall file and serve submissions with authorities on or before 10th January 2022.
3. The appellant shall file and serve written submissions with authorities in reply on or before 25th January 2022.
4. The hearing of the appeal is fixed for the next sitting of the Court of Appeal for Saint Lucia scheduled for the week commencing 7th March 2022.

Reason: No written submissions have been filed in this matter.

Case Name: Mathilda Nelson
v
Alexis Alcide

[SLUHCVAP2018/0002]
(Saint Lucia)

Date: Monday, 1st November 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Ms. Sueanna Frederick

Respondents: Mrs. Wauneen Louis-Harris

Issues:

The status of the matter

Type of Order:

N/A

Result/Order:

IT IS HEREBY ORDERED THAT:

1. Upon noting the pending application made by the respondent filed on 22nd September 2021, the matter is removed from the status hearing cause list pending the determination of the application.

Reason:

The appellant was not served with the application for migration. Counsel for the respondent also indicated that the respondent has passed away and counsel would need to take instructions in relation to this matter.

Case Name:

Romauld Harte

v

Perry Longville

[SLUMCVAP2018/0001]

(Saint Lucia)

Date:

Monday, 1st November 2021

Before:

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

Appearances:

Appellants: Ms. Natalie Da Breo

Respondents: No appearance

Issues:

The 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 to be prepared and served on the parties on or before 1st December 2021, failing which an affidavit giving reasons for the non-compliance shall be filed.**
- 2. The matter is adjourned to the next Status Hearing of the Court of Appeal**

for Saint Lucia scheduled for 1st March 2022.

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: No record of appeal has been filed. The notes of evidence have not been made available to the appellant.

Case Name: Hollinda Allen Arthur
v
Raymond Volney
[SLUMCVAP2018/0002]
(Saint Lucia)

Date: Monday, 1st November 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: No appearance

Respondents: No appearance

Issues: The status of the matter

Type of Order: Adjournment

Result/Order:

IT IS HEREBY ORDERED THAT:

1. Upon noting that the parties could not be located to be served with notice of today's hearing, the matter is adjourned to the next Status Hearing of the Court of Appeal for Saint Lucia scheduled for 1st March 2022.
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 parties could not be located to be served with notice of the status hearing.

Case Name:

**David Ferguson
v
Carol Gideon-Clovis
[SLUHCVP2015/0001]
(Saint Lucia)**

Date:

Monday, 1st November 2021

Before:

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

Appearances:

Appellants: No appearance

Respondents: Carol-Jean Gedeon

Issues:	The status of the matter
Type of Order:	N/A
Result/Order:	No order made.
Reason:	There was no evidence that a Notice of Appeal was filed.