

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING

MONTSERRAT
VIDEOCONFERENCE
Wednesday, 2nd February 2022

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

[MNIHCVAP2018/0011]
(Montserrat)

Date: **Wednesday, 2nd February 2022**

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

Appearances:
Appellant: **Dr. David Dorsett**

Respondents: **Mr. Rushaine Cunningham holding for Ms.
Chivone Gerald for the 1st respondent**
Ms. Cedricia Shiell for the 2nd respondent

Issues: **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 31st March 2022.
2. The appellant shall file and serve written submissions with authorities on or before 15th April 2022.
3. The respondents shall file and serve written submission with authorities on or before 16th May 2022.
4. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 31st May 2022.
5. The matter is fixed for hearing at the next sitting of the court of appeal for the territory of Montserrat during the week commencing 4th July 2022.

Reason:

Notice of availability of the transcript was sent out on 21st October 2021. Counsel for the appellant requested additional time to meet with counsel for the respondents to agree on the documents to go into the record of appeal. The respondents did not object.

Case Name:

Richard Samuel
v
Emmanuel Galloway

[MNIHCVAP2019/0004]
(Montserrat)

Date: Wednesday, 2nd February 2022

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Warren Cassel

Respondent: Mr. Jean Kelsick

Issues: The status of the matter

Type of Order: N/A

Result/Order: IT IS HEREBY ORDERED THAT:

1. Upon noting the pending application filed on 30th December 2021 to appoint a personal representative for the estate of Richard Samuel for the purpose of the proceedings, the matter is removed from the status hearing list pending the determination of the application.

Reason: The appellant is now deceased and counsel on record for the appellant is incarcerated. There is an application with an affidavit in support filed on 30th December 2021 for the appointment of a personal representative for the estate of the deceased for the purpose of the proceedings. There was also a notice of acting filed on behalf of the appellant on 30th

December 2021. Neither the application nor the notice of acting had been served on the respondent.

Case Name:

Catherine Tuitt

v

[1] Ann Thomas

[2] Justin Thomas

**[MNIHCVAP2019/0015]
(Montserrat)**

Date:

Wednesday, 2nd February 2022

Before

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

Appearances:

Appellant: In person

Respondents: Ms. Marcelle Watts

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 for the territory of Montserrat scheduled for 29th June**

2022 to allow the appellant to continue efforts to retain counsel.

Reason: The transcript in the matter is available. The appellant indicated that she has made several unsuccessful attempts to retain a lawyer. Despite this difficulty, the appellant indicated that she still intended to retain counsel for the matter.

Case Name: Dennison Daley
v
[1] Denzel West
[2] Attorney General of Montserrat
[MNIHCVAP2019/0011]
(Montserrat)

Date: Wednesday, 2nd February 2022

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance
Respondents: No appearance for the 1st respondent
Ms. Renee Morgan for the 2nd respondent

Issues: The status of the matter

Type of Order: Adjournment

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. Upon noting that the appellant was served to be present at this status hearing but is absent, the matter is adjourned to the next status hearing of the court for the territory of Montserrat scheduled for 29th June 2022 for the appellant to be present to indicate whether he is still interested in prosecuting this appeal.**
- 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 appellant was served with a copy of the last status hearing order and counsel for the appellant had been served to be present at the hearing. Despite this, counsel for the appellant was absent. Counsel for the respondent who appeared as a courtesy to the court, informed that there has been no service of the notice of appeal on the respondents.

Case Name:

**Raschief Griffith
v
Director of Public Prosecutions**

**[MNIHCVAP2020/0014]
(Montserrat)**

Date: **Wednesday, 2nd February 2022**

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

Appearances:

Appellant: Mr. Warren Cassell

Respondent: Mr. Oris Sullivan

Issues: **The status of the matter**

Type of Order: **N/A**

Result/Order: **IT IS HEREBY ORDERED THAT:**
1. Upon noting the indication from counsel for the appellant that the appellant no longer wishes to proceed with the appeal, the appeal is hereby withdrawn and discontinued.

Reason: **Counsel for the appellant indicated that this was an appeal concerning bail and bail has been granted.**

Case Name: **Claude Gerald**
v
[1] Public Service Commission
[2] Deputy Governor

**[MNIHCVAP2021/0004]
(Montserrat)**

Date: **Wednesday, 2nd February 2022**

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

Appearances:

Appellant: Dr. David Dorsett

Respondents: Ms. Cedricia Shiell

Issues: **The status of the matter**

Type of Order: **N/A**

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 transcript in the matter is still not available.

Case Name: [1] Terence Mc Phoy
[2] Eloise Mc Phoy
v
[1] Victoria Hilton
[2] Ministry of Communications & Works
[3] The Honourable Attorney General

[MNIHCVAP2020/0015]
(Montserrat)

Date: Wednesday, 2nd February 2022

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellants: In person
Respondents: No appearance for the 1st respondent
Ms. Sheree Jemotte-Rodney for the 2nd and 3rd respondents

Issues: The 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 28th February 2022.
2. The appellants shall file and serve the record of appeal on or before 31st March 2022.
3. The appellants are at liberty to file and serve written submissions with authorities on or before 29th April 2022.
4. The respondent shall file and serve written submissions with authorities on or before 30th May 2022.
5. The appellants are at liberty to file and serve written submissions in reply, if necessary, on or before 14th June 2022.
6. The matter is fixed for hearing at the sitting of the court of appeal for Montserrat during the week commencing 4th July 2022.

Reason:

The transcript in the matter has been prepared. The appellants indicated that they wished to move forward with the appeal even without counsel.

Case Name:

Harold Sweeney
v
[1] Julia Ernestine Lee
[2] Montserrat Utilities Limited

[MNIHCVAP2019/0005]
(Montserrat)

Date: Wednesday, 2nd February 2022

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Warren Cassell

Respondents: Mr. Sylvester Carrott for the 1st respondent
No appearance for the 2nd 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 for the territory of Montserrat scheduled for 29th June 2022.
2. The registrar of the high court shall cause a copy of this order to be served on the 2nd respondent and shall provide proof of service thereafter.

Reason: Counsel for the 1st respondent and the registrar indicated that information received was that the appellant passed away overnight. Counsel for the appellant indicated that he was unaware of this and

requested time to make the necessary enquiries.

Case Name:

Donovan Peart

v

Kenneth Farrell

**[MNIMCVAP2020/0012]
(Montserrat)**

Date:

Wednesday, 2nd February 2022

Before

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

Appearances:

Appellant: In person

Respondent: Mr. Jean Kelsick

Issues:

The status of the matter

**Type of
Order:**

Adjournment

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The bailiff of the high court shall file and serve an affidavit of service evidencing service of the notice of appeal and supporting documents on**

the respondent on or before 18th February 2022.

2. The matter is adjourned to the next status hearing of the court for the territory of Montserrat scheduled for 29th June 2022.
3. 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 appellant indicated that he intended to retain counsel. Counsel for the respondent indicated that he has not been served with the notice of appeal or the authorization code. The appellant indicated that the notice of appeal was served on the respondent by the bailiff. The respondent indicated that he was served with a document by the bailiff but that he did not take it to his lawyer. The registrar indicated that an affidavit of service has not yet been prepared by the bailiff.

Case Name:

Sylvester Solomon

v

Julian Romeo

**[MNIMCVAP2020/0013]
(Montserrat)**

Date:

Wednesday, 2nd February 2022

Before Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: In person

Issues: The status of the matter

Type of Order: Adjournment

Result/Order:

IT IS HEREBY ORDERED THAT:

1. The chief magistrate shall cause a copy of the record of appeal to be prepared and served on the parties on or before 30th March 2022, failing which an affidavit containing the reasons for non-compliance shall be filed.
2. The matter is adjourned to the next status hearing of the court for the territory of Montserrat scheduled for 29th June 2022.
3. The registrar shall serve a copy of this order on the parties and shall provide proof of service thereafter.

Reason:

The appellant was not served to be present at today's hearing as he is in Antigua. The court office tried to send him an email about the hearing but this email bounced back.

The record of appeal is also outstanding in this matter.

Case Name:

Sylvester Solomon

v

Julian Romeo

**[MNIMCVAP2020/0014]
(Montserrat)**

Date:

Wednesday, 2nd February 2022

Before

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

Appearances:

Appellant: No appearance

Respondent: In person

Issues:

The status of the matter

**Type of
Order:**

Adjournment

Result/Order:

IT IS HEREBY ORDERED THAT:

- 1. The chief magistrate shall cause a copy of the record of appeal to be prepared and served on the parties on or before 30th March 2022, failing which**

an affidavit containing the reasons for non-compliance shall be filed.

- 2. The matter is adjourned to the next status hearing of the court for the territory of Montserrat scheduled for 29th June 2022.**
- 3. The registrar shall serve a copy of this order on the parties and shall provide proof of service thereafter.**

Reason:

The appellant was not served to be present at today's hearing as he is in Antigua. The court office tried to send him an email about the hearing but this email bounced back.

The record of appeal is also outstanding in this matter.

Case Name:

Penelope Beadle

v

James Henry Lee

**[MNIMCVAP2020/0001]
(Montserrat)**

Date:

Wednesday, 2nd February 2022

Before

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

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 the territory of Montserrat scheduled for 29th June 2022 for the appellant 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 and shall provide proof of service thereafter.**

Reason: The respondent was served to be present. The appellant resides in the United States and could not be served to be present. The attorney on record for the appellant, was also not present.