

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL

CHAMBER HEARING

28th July 2020

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mr. Louise Esther Blenman, Justice of Appeal

Case Name: [1] Jenny Lindsay
[2] Jenny Lindsay and Associates

v

Thomas Edward Carty

**[AXAHCVAP2015/0007]
(Anguilla)**

Date: Tuesday, 28th July 2020

On paper:

Applicant: Ms. Navine A.V. Fleming (Libran Chambers)

Respondents: Ms. Jenny Lindsay (Jenny Lindsay & Associates)

Issue: Application for order directing service of physical copies of pleadings on court appointed representative of deceased

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

1. The application seeking an order directing the appellants to serve the respondent with

physical copies of the filed pleadings is granted.

2. The appellants shall personally serve Mrs. Harriet Carty, the court appointed representative of the estate of the respondent with the physical copies of the filed pleadings in the appeal within 14 days of the date of this Order.

Reason:

The Court was of the view that it has a duty to give effect to the overriding objective and was cognizant of its case management power to make an order for the purpose of managing the case and furthering the overriding objective as provided in rule 26.1(2)(w) of the Civil Procedure Rules 2000. Accordingly, the Court was satisfied that it was just in the circumstances to make such an order.

Case Name:

Palmavon Webster

v

[1] John Dyrud

[2] First Anguilla Trust Company Limited

**[AXAHCVAP2020/0010]
(ANGUILLA)**

Date:

Tuesday, 28th July 2020

On paper:

Applicant:

Mr. Henry Wiggin (Webster LP)

Respondent:

Ms. Jean M. Dyer (JM Dyer & Co)

Issues: Application for extension of time within which to appeal
– Application for relief from sanctions

Result / Order: IT IS HEREBY ORDERED THAT:

The application for an extension of time within which to apply for leave to appeal is dismissed.

Reason: The Court was of the view that the applicant did not meet the threshold requirements of an extension of time within which to apply for leave to appeal.

Case Name: Malliouhana-Anico Insurance Company Limited

V

[1] B&F Co. Limited
[2] Geoffrey Fieger
[3] Kathleen J. Fieger

[AXAHCVAP2020/0012]
(Anguilla)

Date: Tuesday, 28th July 2020

On paper:

Applicant: Mr. Kerith T. Kentish (Joyce Kentish & Associates)

Respondent: Ms. Tara Carter (Carter & Associates)

Issue: Application for leave to appeal - Application for stay pending determination of appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal against the judgment of Innocent J dated 19th June 2020 is granted.**
- 2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.**
- 3. The application for a stay pending the hearing and determination of the appeal is granted.**

Reason:

The Court was satisfied that the applicant met the threshold requirements for a grant of leave to appeal and for a stay pending the determination of the appeal.

Case Name:

Antigua Flight Training Center Inc

v

**[1] Anthony Greer
[2] Greer & Co. Solicitors**

**[ANUHCVP2020/0016]
(Antigua and Barbuda)**

Date:

Tuesday, 28th July 2020

On paper:

Applicant:

In person

Issue:

Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application seeking leave to appeal against the order of Wilkinson J dated 20th March 2020 is accordingly dismissed.

Reason:

The application seeking leave to appeal was filed outside of the prescribed time and there was no application for an extension of time.

Case Name:

**Antigua Flight Training Center
v
[1] Dedrie Pigott Edgecombe
[2] Nordel Edgecombe**

**[ANUHCVP2020/0017]
(Antigua and Barbuda)**

Date:

Tuesday, 28th July 2020

On paper:

Appellant: In person

Respondent: In person

Issues:

Application for leave to appeal – Application for an extension of time within which to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application seeking an extension of time within which to apply for leave to appeal against the order of Wilkinson J dated 20th November 2019 is dismissed.

Reason: The Court was of the view that the matters stated in the affidavit in support did not address the requirements for the grant of an extension of time.

Case Name: [1] Grace Norman t/a Antigua Flight Training Center
[2] Norman Aviation Flight Training Academy Inc.

v

Eastern Caribbean Civil Aviation Authority

**[ANUHCVP2020/0018]
(Antigua and Barbuda)**

Date: Tuesday, 28th July 2020

On paper:

Applicant: In person

Respondent: In person

Issue: Application for leave to appeal – Application for an extension of time within which to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application seeking an extension of time within which to apply for leave to appeal against the order of Wilkinson J dated 20th November 2019 is dismissed.

Reason: The Court was of the view that the matters stated in the affidavit in support did not address the requirements for

the grant of an extension of time.

Case Name: **Antigua Flight Training Center**
v
[1] Eric Phillip
[2] Pauline Grayman
[3] Enique Williams
[4] Laetitia Nathaniel
[5] Anse Henry
[6] Shirrine Gillon

[ANUHCVAP2020/0021]
(Antigua and Barbuda)

Date: **Tuesday, 28th July 2020**

On paper:
Applicant: **In person**

Issue: **Application for leave to appeal**

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

The application seeking leave to appeal against the order of Wilkinson J dated 13th March 2020 is accordingly dismissed.

Reason: **The application seeking leave to appeal was filed outside of the prescribed time and there was no application for an extension of time.**

Case Name: **Big Banana Holding Company Limited**

v

ABI Bank Limited (in Receivership)

**[ANUHCVP2020/0020]
(Antigua and Barbuda)**

Date: **Tuesday, 28th July 2020**

On paper:

Applicants: **Mr. Kendrickson Kentish (Lake & Kentish)**

Issues: **Application for leave to appeal**

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

- 1. The application for leave to appeal against the order of Robertson J dated 30th April 2020 is granted.**
- 2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.**

Reasons: **The Court was satisfied that the applicant met the threshold requirements for the grant of leave to appeal.**

Case Name: **Anderson Carty**

V

Gentiste Christian

**[ANUMCVAP2019/0005]
(Antigua and Barbuda)**

Date: **Tuesday, 28th July 2020**

On paper:
Applicant: **In person**

Issue: **Application for extension of time within which to appeal**

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

- 1. The applicant shall provide a copy of the order of the order of the Magistrate's Court for which leave to appeal is being sought.**
- 2. The applicant shall serve a copy of the application for an extension of time within which to appeal, supporting documents and the order of the Magistrate's Court on the respondent within 14 days of the date of this order, failing which the application shall stand dismissed.**
- 3. The application for an extension of time within which to seek leave to appeal is adjourned for further consideration at the next Chamber Hearing of this Court scheduled for 22nd September 2020.**

Reason: **The Court noted that the applicant has, despite being served, failed to comply with the previous orders directing him to: (i) provide a copy of the order of the**

order of the Magistrate's Court for which leave to appeal is being sought; and (ii) serve a copy of the application for an extension of time within which to appeal, supporting documents and the order of the Magistrate's Court on the respondent.

Case Name:

Peter Alexander

Claimant/Respondent

v

Khamla Adams

1st Defendant/Appellant/Applicant

National Co-Operative Credit Union Ltd

2nd Defendant

**The Attorney General of the Commonwealth of
Dominica**

3rd Defendant

**[DOMHCVAP2020/0004]
(Commonwealth of Dominica)**

Date:

Tuesday, 28th July 2020

On paper:

Applicant:

Dyer & Dyer

Respondent:

Mrs. Heather Felix-Evans

Issues:

Application for stay pending determination of appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application seeking a stay pending the hearing and determination of the appeal is discontinued and dismissed.

Reason:

The applicant filed a notice of discontinuance on 10th

July 2020 in the application for a stay of proceedings pending determination of the application for leave to appeal and the appeal.

Case Name: Millicent Bass, Lawful Attorney in the Estate of Joseph Benjamin Daly (Deceased) by her lawfully appointed agent Joseph W. Bass

v

Julian Daniel

**[MNIHCVAP2019/0017]
(Montserrat)**

Date: Tuesday, 28th July 2020

On paper:

Applicant: Mr. Jean E. H. Kelsick (Kelsick & Kelsick)

Respondent: Mr. Kharl Markham (Allen Markham & Associates)

Issues: Application for extension of time within which to file notice of appeal

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

1. The application for an extension of time within which to file the notice of interlocutory appeal and the order of Master Jan Drysdale dated 12th December 2019 is granted.
2. The notice of interlocutory appeal and order of Master Jan Drysdale dated 12th December 2019 filed on 7th May 2020 shall be deemed properly filed.

Reason: The Court was of the view that the applicant met the threshold requirements for the grant of an extension of time.

Case Name: **St. Kitts-Nevis-Anguilla National Bank Limited**
Applicant

v

The Estate of Peter Procope
Claimant/1st Respondent

Gail Flemming

Defendant/2nd Intended Respondent

The Attorney General of Saint Christopher and Nevis

Defendant to Counterclaim/3rd
Intended Respondent

[SKBHCVAP2020/0010]
(Saint Christopher and Nevis)

Date: Tuesday, 28th July 2020

On paper:
Applicant: Mr. Garth Wilkin (Kelsick, Wilkin & Ferdinand)

Issue: Application for an order adding the applicant as an intervening party in intended appeal - Application for extension of time within which to appeal – Application for a stay of execution

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall serve a copy of the application and supporting documents together with a copy of this order on each of the intended respondents personally and provide proof of service within 14 days of the date of this order.**
- 2. The applicant shall file and serve skeleton arguments together with authorities in support of the application within 21 days of the date of this order.**
- 3. The application seeking an order that the applicant be added as an intervening party in the intended appeal, an extension of time to file the intended notice of appeal against the order of Carter J [Ag.] contained in paragraph 73(iv) of her judgment dated 23rd July 2019 and a stay of execution of the order is adjourned for further consideration at the next Chamber Hearing of this Court scheduled for 22nd September 2020.**

Reason:

The Court was of the view that written submissions with authorities were necessary for the further consideration and determination of the applications.

Case Name:

Colin Parris

v

[1] Melissa Swaby

[2] Noel Swaby

[3] Hastings Daniel

**[NEVHCVAP2020/0003]
(Saint Christopher and Nevis)**

Date: Tuesday, 28th July 2020

On paper:

Applicant:	Ms. Dahlia A. Joseph Rowe and Ms. Shakieda E. Sealy (Joseph Rowe)
1st and 2nd Respondents:	Ms. Kurlyn Merchant (Merchant Chambers)

Issue: Application for stay of execution pending determination of appeal

**Result /
Order:** **IT IS HEREBY ORDERED THAT:**
The applicant is granted a stay of execution of the orders contained in the judgment of Moise J dated 3rd April 2020 pending the hearing and determination of the appeal.

Reason: The Court was of the view that the applicant met the threshold requirements for the grant of a stay of the orders contained in the judgment.

Case Name: Nagico Insurance Company Limited

v

Carino Hamilton Development Company Limited

**[SKBMCVAP2018/0005]
(Saint Christopher and Nevis)**

Date: Tuesday, 28th July 2020

On paper:

Applicant/Respondent: Mr. O’Grenville Browne (Browne & Associates)

Respondent/Appellant: Gonsalves Parry

Issue: Application by legal practitioner to be removed from record

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall serve a copy of the application together with the supporting and a copy of this order on the respondent within 14 days of the date of this order.
2. The applicant shall provide proof of service on the respondent company in compliance with rule 5.7(a) of the Civil Procedure Rules 2000 within 21 days of the date of this Order.
3. The application to be removed from the record as legal practitioner for the respondent is adjourned for further consideration at the next Chamber Sitting of the Court scheduled for 22nd September 2020.

Reason: The Court noted that there was no evidence of service in accordance with rule 5.7(a) of the Civil Procedure Rules 2000 on the respondent company. Consequently, there was no compliance with rule 63.6(2).

Case Name: Nagico Insurance Company Limited

v

Carino Hamilton Development Company Limited

[SKBMCVAP2018/0006]

(Saint Christopher and Nevis)

Date: Tuesday, 28th July 2020

On paper:

Applicant/Respondent: Mr. O’Grenville Browne (Browne & Associates)

Respondent/Appellant: Gonsalves Parry

Issue: Application by legal practitioner to be removed from record

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall serve a copy of the application together with the supporting and a copy of this order on the respondent within 14 days of the date of this order.
2. The applicant shall provide proof of service on the respondent company in compliance with rule 5.7(a) of the Civil Procedure Rules 2000 within 14 days of the date of this Order.
3. The application to be removed from the record as legal practitioner for the respondent is adjourned for further consideration at the next Chamber Sitting of the Court scheduled for 22nd September 2020.

Reason:

The Court noted that there was no evidence of service in accordance with rule 5.7(a) of the Civil Procedure Rules 2000 on the respondent company. Consequently, there was no compliance with rule 63.6(2).

Case Name: **Nagico Insurance Company Limited**

v

Carino Hamilton Development Company Limited

[SKBMCVAP2018/0007]
(Saint Christopher and Nevis)

Date: **Tuesday, 28th July 2020**

On paper:

Applicant/Respondent:	Mr. O’Grenville Browne (Browne & Associates)
Respondent/Appellant:	Gonsalves Parry

Issue: **Application by legal practitioner to be removed from record**

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

- 1. The applicant shall serve a copy of this order and the application together with the supporting documents on the respondent within 14 days of the date of this order.**
- 2. The applicant shall provide proof of service on the respondent company in compliance with rule 5.7(a) of the Civil Procedure Rules 2000 within 14 days of the date of this Order.**
- 3. The application to be removed from the record as legal practitioner for the respondent is adjourned for further consideration at the next Chamber Sitting of the Court scheduled for 22nd September**

2020.

Reason: The Court noted that there was no evidence of service in accordance with rule 5.7(a) of the Civil Procedure Rules 2000 on the respondent company. Consequently, there was no compliance with rule 63.6(2).

Case Name: Adam Bilzerian
V
[1] Zachary Getz
[2] St. Christopher Club Condominiums
[3] St. Christopher Club Condominiums
Homeowners Association
[SKBHCVAP2019/0029]
(Saint Christopher and Nevis)

Date: Tuesday, 28th July 2020

On paper:
Appellant: Mr. Dane Elliott- Hamilton
Respondent: Ms. Miselle O'Brien

Issues: Application for an extension of time to file written submissions

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for an extension of time within

which to file written submissions is granted.

2. The applicant shall file and serve written submissions within 14 days of the date of this order.

Reason:

The Court considered the principles set out in the authorities such as Lindsay F. P. Grant et al v Tanzania Tobin Tanzil SKBHCVAP2020/0004 (delivered 6th July 2020, unreported), C.O. Williams Construction (St. Lucia) Limited v Inter-Island Dredging Co. Ltd. (delivered 19th March 2012, unreported) and Carleen Pemberton v Mark Brantley SKNHCVAP2011/0009 (delivered 14th October 2011, unreported); and was satisfied that the applicant had met the threshold for the grant of an extension of time.

Case Name:

Earl Garfield Jeffers (Administrator of the Estate of Winston Liddie and Lawful Attorney for Miguel Shane Xavier Liddie)

v

[1] Shirley Liddie

[2] Edwin Liddy

[3] Registrar General of Births, Deaths & Marriages

[SKBHCVAP2019/0051]

(Saint Christopher and Nevis)

Date:

Tuesday, 28th July 2020

On paper:

Appellant:

Mr. Terrence Byron

Issues:

**Application for an extension of time within which to appeal
– Application for leave to appeal – Application to**

consolidate appeals

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for an extension of time within which to appeal against the order of Ventose J dated 12th December 2019 is granted.**
- 2. The applicant is granted leave to appeal against the order of Ventose J dated 27th January 2020.**
- 3. The applicant shall file the notice of appeal within 21 days of the date of this order.**
- 4. Appeal numbers SKBHCVAP2019/0051 and SKBHCVAP2020/0002 shall be consolidated and heard together.**
- 5. The application for a stay of the proceedings in the court below is dismissed.**

Reason:

The Court was satisfied that the applicant had met the threshold requirements for both the grant for an extension of time and for leave to appeal. The Court noted however that the application for a stay of execution of proceedings was made prematurely as there was no appeal before this Court. Also, being mindful of the case management powers of the Court under rule 26.1 (1)(b) of the Civil Procedure Rules 2000, the Court consolidated appeal numbers SKBHCVAP2019/0051 and SKBHCVAP2020/0002.

Case Name:

**Earl Garfield Jeffers (Administrator of the Estate
of Winston Liddie and Lawful Attorney for Miguel
Shane Xavier Liddie)**

v

[1] Shirley Liddie

[2] Edwin Liddy

**[3] Registrar General of Births,
Deaths & Marriages**

[SKBHCVAP2020/0002]

(Saint Christopher and Nevis)

Date: **Tuesday, 28th July 2020**

On paper:
Appellant: **Mr. Terrence Byron**

Issues: **Application for an extension of time within which to appeal
– Application for leave to appeal**

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

- 1. The application for an extension of time within which to appeal against the order of Ventose J dated 27th January 2020 is granted.**
- 2. The applicant is granted leave to appeal against the order of Ventose J dated 27th January 2020.**
- 3. The applicant shall file the notice of appeal within 21 days of the date of this order.**

Reason:
The Court was satisfied that the applicant had met the threshold requirements for both the grant for an extension of time and for leave to appeal.

Case Name: **The Commissioner of Police
v
Akile Glasgow**
[SKBMCRAP2017/0003]
(Saint Christopher and Nevis)

Date: Tuesday, 28th July 2020

On paper:

Appellant: Mr. Teshawn Vasquez

Respondent: Dr. Henry Browne, QC

Issues: Applicant for an extension of time within which to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application for an extension of time to appeal against the decision of Her Honour Ms. Josephine Mallalieu Webbe made on 7th February 2017 is refused.

Reason:

The Court was satisfied that the applicant/respondent has not met the threshold for the grant of an extension of time in that no good reason was given for the delay in filing the appeal or making the application.

Case Name:

**[1] Alanzo Carty
[2] Attorney General of Saint Kitts and
Nevis**

v

Matthew McMillan

**[SKBHCVAP2019/0046]
(Saint Christopher and Nevis)**

Date: Tuesday, 28th July 2020

On paper:

Appellant: Mr. Dane Elliott- Hamilton

Respondent: Mr. Jason Hamilton

Issues: Application for stay of execution pending the hearing and determination of the appeal

Result / Order: IT IS HEREBY ORDERED THAT:

The execution of the order of Ventose J dated 28th October 2019 is stayed pending the hearing and determination of the appeal.

Reason: The Court considered the principles set out in the authorities such as Hammond Suddard Solicitors v Agrichem International Holdings Ltd [2002] EWCA 2065, and C-Mobile Services Limited v Huawei Technologies Co. Limited BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported) and was cognizant of the principle that whether the Court should exercise its discretion to grant a stay will depend on all the circumstances of the case, but the essential question is whether there is a risk of injustice to one or both parties if it grants or refuses a stay.

Accordingly, the Court formed that view that, in the circumstances of the case, there is a greater risk of injustice to the applicant if the stay is refused in that the respondent is situated outside the Court's jurisdiction and has no known address within the jurisdiction, the balance of harm in the event that the stay is refused being entirely against the applicant.

Case Name:

**Valentine Everette Gillard
v
Royal Bank
[SKBHCVAP2020/0012]
(Saint Christopher and Nevis)**

Date:

Tuesday, 28th July 2020

On paper:

Appellant: In person

Respondent: Mr. Garth Wilkin

Issues:

Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application for leave to appeal against decision of the court dated 7th March 2019 is dismissed.

Reason:

The Court noted that the application for leave to appeal was filed outside the prescribed time by the Civil Procedure Rules 2000 and there was no application for an extension of time, therefore the application for leave to appeal was dismissed.

Case Name:

**Shawn Richards
v
Nigel Carty**

**[SKBHCVAP2020/0013]
(Saint Christopher and Nevis)**

Date: Tuesday, 28th July 2020

On paper:

Appellant: Mr. Terrence Byron

Respondent: In person

Issues: Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application for leave to appeal against the order of Ventose J dated 15th June 2020 is granted.

Reason:

The Court was of the view that the applicant had met the threshold requirements for the grant of leave to appeal.

Case Name:

**St. Kitts Nevis Anguilla National Bank Limited
v
Pinneys Hotel Development Limited**

**[SKBHCVAP2020/0014]
(Saint Christopher and Nevis)**

Date: Tuesday, 28th July 2020

On paper:

Appellant: Ms. Danni Maynard

Respondent: Ms. Maria Angela Cozier

Issues:

Application for leave to appeal – Application for interim stay

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal against the decision of Dyer M dated 18th June 2020 is granted.**
- 2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.**
- 3. The application for an interim stay of the first three orders contained in the decision of Dyer M dated 18th June 2020 is refused.**

Reason:

The Court was satisfied that the applicant had met the threshold requirements for the grant of leave to appeal. However, the Court noted that the order of Dyer M dated 18th June 2020 ordered that unless the applicant file a re-amended defence within 7 days of the date of the order, the statement of case shall be struck out pursuant to rule 26.4(7) of the Civil Procedure Rules 2000 and that the order would have taken effect on 30th June 2020. Accordingly, in the circumstances, the Court noted that there would be no order for which to grant an interim stay pending appeal.

Case Name:

American 2030 Capital Limited

Applicant/1st Defendant

Mark Simon Bentley (aka Val Sklarov)

Applicant/2nd Defendant

Weisir Asset Management Limited

v

[1] Sunpower Business Group PTE Limited

[2] Tourman Trading PTE Limited

**[SKBHCVAP2020/0015]
(Saint Christopher and Nevis)**

Date: Tuesday, 28th July 2020

On paper:

Appellant: Ms. Maria Angela Cozier

Respondent: Ms. Michelle Slack

Issues: Application for leave to appeal – Application for interim stay

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal against the order of Moise J dated 16th June 2020 is dismissed.
2. The application for interim stay of the order of Moise J dated 16th June 2020 is refused.

Reason: The Court noted that the application for leave to appeal against the order of Moise J dated 16th June 2020 was filed outside the prescribed time by the Civil Procedure Rules 2000 and there was no application for an extension of time, accordingly, the application for leave to appeal dismissed.

The Court was also mindful of rule 62. 16(1)(c) of the Civil

Proceedings Rules 2000 and thus refused the application for an interim stay of the order for which leave was sought.

Case Name:

American 2030 Capital Limited

Applicant/1st Defendant

Mark Simon Bentley (aka Val Sklarov)

Applicant/2nd Defendant

Weisir Asset Management Limited

3rd Defendant

v

[1] Sunpower Business Group PTE Limited

[2] Tourman Trading PTE Limited

[3] Guo Hong Xin

[4] Mia Ming

[SKBHCVAP2020/0016]

(Saint Christopher and Nevis)

Date:

Tuesday, 28th July 2020

On paper:

Appellant: Ms. Maria Angela Cozier

Respondent: Ms. Michelle Slack

Issues:

Application for leave to appeal

Result /

IT IS HEREBY ORDERED THAT:

Order:

The application for leave to appeal against the order of Moise J dated 16th June 2020 is dismissed.

Reason:

The Court noted that the application for leave to appeal against the order of Moise J dated 16th June 2020 was filed outside the prescribed time by the Civil Procedure Rules 2000 and there was no application for an extension of time, accordingly, the application for leave to appeal dismissed.

Case Name:

John D'Auvergne

v

Kareem Edwin

[SLUHCVAP2020/0014]

(Saint Lucia)

Date:

Tuesday, 28th July 2020

On paper:

Appellant: Ms. Kristian Henry

Respondent: In person

Issue:

Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall file a copy of the order Master Ricardo Sandcroft dated 27th May 2020 within 14 days of the date of this order.**
- 2. The hearing of the application for leave to appeal is adjourned for further consideration to the next chamber hearing of this Court scheduled for 22nd September 2020.**

Reason: The Court noted that the order being appeal was not attached to the application, accordingly the matter was adjourned.

Case Name: Yann Drysdale
v
The Queen
[SLUHCRAP2017/0003]
(Saint Lucia)

Date: Tuesday, 28th July 2020

On paper:
Appellant: In person
Respondent: Mrs. Tanya Alexis Francis

Issues: Application for waiver of fees to obtain transcript of proceedings

Result /
Order: IT IS HEREBY ORDERED THAT:
1. The Registrar of the High Court shall provide to the appellant free of charge a copy of the transcript of proceedings below within 14 days of the date of this order.
2. The Registrar of the High Court shall serve a copy of this order on the applicant and provide proof of such service within 14 days of the date of this order.

Reason: The Court was of the view that the costs associated with

obtaining the transcript of the proceedings should be waived due to the applicant's constrained financial circumstances.

Case Name:

Jaranza Howe

v

The Queen

[SVGHCRA2020/0006]

(Saint Vincent and the Grenadines)

Date:

Tuesday, 28th July 2020

On paper:

Appellant:

In person

Respondent:

The Director of Public Prosecutions

Issues:

Application for an extension of time within which to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for an extension of time within which to appeal is granted.**
- 2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.**

Reason:

The Court being satisfied that the applicant had met the threshold for the grant of an extension of time, pursuant to rule 48(2) of the Eastern Caribbean Supreme Court (Saint Vincent and the Grenadines) Act.

Case Name:

Joseph Bailey

v

The Queen

**[SVGHCRAP2020/0010]
(Saint Christopher and Nevis)**

Date:

Tuesday, 28th July 2020

On paper:

Appellant:

In person

Respondent:

The Director of Public Prosecutions

Issues:

Application for bail pending the hearing and determination of the appeal

**Result /
Order:**

The application for bail pending the hearing and determination of the appeal is refused.

Reason:

The Court was of the view that the applicant had not provide any evidence which revealed any exceptional circumstances for the grant of bail pending appeal.

Case Name:

Curt John

v

The Queen

**[SVGHCRAP2020/0008]
(Saint Christopher and Nevis)**

Date:

Tuesday, 28th July 2020

On paper:

Appellant: In person

Respondent: The Director of Public Prosecutions

Issues: Application for bail pending appeal

Result / Order: The application for bail pending the hearing and determination of the appeal is refused.

Reason: The Court was of the view that the applicant had not provide any evidence which revealed any exceptional circumstances for the grant of bail pending appeal.

Case Name: Nyasmeth John
v
The Queen

[SVGHCRAP2018/0010]
(Saint Vincent and the Grenadines)

Date: Tuesday, 28th July 2020

On paper:

Applicant: Appellant in person

Respondent: The Director of Public Prosecutions

Issues: Application for leave to appeal – Application for bail pending appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. Leave is granted to the applicant to appeal against his conviction and sentence.

2. The notice of application for leave to appeal against conviction and sentence is deemed to be the notice of appeal.
3. The application for bail pending appeal is refused.

Reason:

The Court considered that exceptional circumstances must be present to justify the Court grant of bail pending appeal, in accordance with the case of The State v Lynette Scantlebury (1976) 27 WIR 103. The Court took the view that the applicant had not demonstrated any exceptional circumstances warranting the grant of bail pending appeal.

Case Name:

1. Camira Baynes-Chambers
2. Camira Baynes-Chambers (Court Appointed Representative of the Estate of Beryl Alexandrina Baynes, deceased by Order of Court dated 4th October 2018)
3. David Baynes "Also Known as" David Fox

v

Theodore Browne (Former Executor and Trustee of the Estate of Beryl Alexandria Baynes, deceased of Cane Garden, St. Vincent and the Grenadines)

[SVGHCVAP2020/0007]
(Saint Vincent and the Grenadines)

Date:

Tuesday, 28th July 2020

On paper:

Applicant:

Mr. Sten Sergeant

Issues:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. Leave is granted to appeal against the order of Byer J dated 15th May 2020.
2. The application for an order directing that the appeal be heard by a single judge is refused.
3. The applicant shall file a notice of appeal within 21 days of this order, following which the appeal shall proceed in accordance with the Civil Procedure Rules 2000.

Reason:

The Court considered an application for leave to appeal the ruling of Byer J dated 15th May 2020 and for an order directing that the appeal be heard by a single judge. The Court was satisfied that the applicant has met the threshold for the grant of leave to appeal. The further noted that neither the Eastern Caribbean Supreme Court (Saint Vincent and the Grenadines) Act, the Court of Appeal Rules nor the Civil Procedure Rules 2000 permit an interlocutory appeal to be heard and determined by a single judge of the Court.

Case Name:

1. Julian Sutherland
 2. Justin Douglas
 3. BDS Radio T/A Nice Radio
 4. Carlos Manloney & Co. Limited
T/A Cross Country Radio
- v
Sean Stanley

[SVGHCVP2019/0007]
(Saint Vincent and the Grenadines)

Date:

Tuesday, 28th July 2020

On paper:

Applicants:

Ms. Kay Bacchus-Baptiste

Issues:

Application for a stay of execution

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicants shall provide this Court within proof of service on the respondent of the notice of application and supporting documents within 14 days of this order.
2. The hearing of the application is adjourned for further consideration at the next chamber hearing of this Court scheduled for 22nd September 2020.

Reason:

The Court considered a notice of application filed by Justin Douglas and BDS Radio T/A Nice Radio (“the applicants”) for an assessment of damages and enforcement proceedings in the High Court pending the determination of the appeal. The Court noted that there was no evidence of service on the respondent of notice of application and supporting documents.

Case Name:

Christine Dublin

v

The Queen

[SVGHCRA2019/0021]

(Saint Vincent and the Grenadines)

Date:

Tuesday, 28th July 2020

On paper:

Applicant:

Applicant in person

Respondent:

The Director of Public Prosecutions

Issues:

**Application for extension of time within which to appeal –
Application for bail pending appeal**

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time within which to file a notice of appeal.
2. The notice of application for leave to appeal against conviction and sentence is deemed to be

- the notice of appeal and is properly filed.
3. The application for bail pending appeal is refused.

Reason:

The Court noted that by an order dated 23rd January 2020 the applicant was granted an extension of time to seek leave to appeal, and leave to appeal against conviction and sentence, and ordered to file a notice of appeal within 21 days of the order. The Court noted that the applicant had not filed a notice of appeal within the time ordered by this Court on 23rd January 2020, and therefore that an extension of time to file the notice of appeal is required in the circumstances.

The Court however took the view that the applicant should be granted an extension of time to file a notice of appeal, and that according to rule 55 of the Court of Appeal Rules, the notice of application for leave to appeal can be properly deemed to be the notice of appeal in these circumstances.

The Court considered an application for bail pending appeal. The Court considered that exceptional circumstances must be present to justify the Court grant of bail pending appeal, in accordance with the case of The State v Lynette Scantlebury (1976) 27 WIR 103. The Court took the view that the applicant had not demonstrated any exceptional circumstances warranting the grant of bail pending appeal.

Case Name:

Cynthia Jones (Beneficiary of the Estate of Percy Cornelius Jones, Deceased) (By her Attorneys on Record Marilyn Ottley and Winston Ottley)

v

- 1. Leroy Wilson-Jones (Beneficiary of the Estate of Percy Cornelius Jones, Deceased)**
- 2. Celia Yorke (Beneficiary of the Estate of Percy Cornelius Jones, Deceased)**
- 3. Jacqueline Wilson**
- 4. Shelly Ann Layne**

5. Patrice Wilson

**[SVGHCVAP2020/0009]
(Saint Vincent and the Grenadines)**

Date: Tuesday, 28th July 2020

On paper:
Applicant: Mr. Joseph A. Delves

Issues: Application for leave to appeal out of time

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant shall provide this Court with a copy of the order of Byer J dated 31st March 2020 within 14 days of this order.
2. The hearing of the application is adjourned for further consideration at the next chamber hearing of this Court scheduled for 22nd September 2020.

Reason: The Court considered an application for leave to file an appeal out of time against the decision of Byer J dated 31st March 2020. The Court noted that the order of Byer J was not attached to the notice of application.

Case Name: **By way of Claim:**
Renova Industries Limited & Ors
Claimants
-and-
Emmerson International Corporation & Ors
Defendants
And by way of Counterclaim:
Emmerson International Corporation & Ors
Claimants by way of Counterclaim
-and-

**Renova Industries Ltd & Ors
Defendants by way of Counterclaim**

**And by way of Ancillary Claim:
Mikhail Abyzov & Ors
Claimants by way of Ancillary Claim**

-and-

**Renova Industries Ltd & Ors
Defendants by way of Ancillary Claim**

**And by way of Third Ancillary Claim:
Emmerson International Corporation
Claimant by way of Third Ancillary Claim
-and-**

**Viktor Vekselberg & Ors
Defendants by way of Third Ancillary Claim**

**[BVIHCMAP2020/0008]
(Territory of the Virgin Islands)**

Date: Tuesday, 28th July 2020

On paper:
Applicant: Mr. Phillip Baldwin instructed by Lennox Patton (BVI)

Issues: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. Leave is granted to appeal against the order of Wallbank J [Ag.] dated 18th May 2020.
2. The applicant shall file a notice of appeal within 21 days of this order, following which the appeal shall proceed in accordance with the Civil Procedure Rules 2000.

Reason: The Court considered an application for leave to appeal the decision of Wallbank J [Ag.] dated 18th May 2020. The Court was satisfied that the applicants have met the threshold for the grant of leave to appeal;

Case Name: Cadman Capital Limited
v
1. Eric Klein
2. Evan Klein
[BVIHCVAP2020/0002]
(Territory of the Virgin Islands)

Date: Tuesday, 28th July 2020

On paper:
Applicant: Mr. Oliver Green instructed by Ogier (BVI)

Issues: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. Leave is granted to the applicant to appeal against the decision of Sandcroft M [Ag.] dated 30th March 2020.
2. The applicant shall file a notice of appeal within 21 days of this word, following which the appeal shall proceed in accordance with the Civil Procedure Rule 2000.

Reason: The Court considered an application for leave to appeal a decision of Sandcroft M [Ag.] dated 30th March 2020. The Court took the view that the applicant had met the threshold for the grant of leave to appeal.

Case Name: Allied Health Professionals Council
v

Tomasso Barruca
[BVIHCVAP2020/0004]
(Territory of the Virgin Islands)

Date: Tuesday, 28th July 2020

On paper:
Applicant: Michel Adkins instructed by Collas Crill

Issues: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant shall provide this Court with a copy of the order of Ellis J dated 19th May 2020, within 21 days of this order.
2. The application for leave to appeal is adjourned for further consideration at the next chamber hearing of this Court scheduled for 22nd September 2020.

Reason: The Court considered an application for leave to appeal an order of Ellis J dated 19th May 2020. The Court noted that a copy of the order of Ellis J was not attached to the application.

Case Name:
1. Emerson International Corporation
2. Mr Mikhail Abyzoc
v
Viktor Vekselberg

[BVIHCMAP2020/0011]
(Territory of the Virgin Islands)

Date: Tuesday, 28th July 2020

On paper:
Applicants: Ms. Renell Benjamin instructed by Walkers (BVI)
Respondent: Mr. Shane Quinn instructed by Agon Litigation (BVI)

Issues: Application for extension of time to file a notice of appeal, written submissions and bundles of documents pursuant to CPR 62.10(1)

Result / Order: IT IS HEREBY ORDERED THAT:

1. The appellants/applicants are granted an extension of time to file a notice of appeal, written submissions in support of its notice of appeal and bundles of documents pursuant to rule 62.10(1).
2. The notice of appeal filed on 2nd July 2020, the written submissions filed on 7th July 2020, the hearing bundles filed on 8th July 2020 and the authorities bundle filed on 9th July 2020 are all deemed properly filed.
3. The respondent shall, within 21 days, file written submissions in response to the appellants' written submissions.

Reason: The Court considered an application for orders that: (i) the time by which the appellants are required to file written submissions in support of its notice of appeal and bundles of documents pursuant to rule CPR 62.10(1) be extended to 7 days after the date on which the notice of appeal was filed; and (ii) the time by which the respondent is required to file written submissions in response pursuant to CPR 62.10(4) be extended to 21 days after the date on which the notice of appeal was filed.

The Court also considered the notice of application filed by the appellants/applicants on 7th July 2020 together with an affidavit in support, exhibits and draft order, for an order extending the time for the filing of the notice of appeal to 2nd July 2020, and for relief from sanctions for failure to file the notice of appeal within the time set out by CPR 62.5(1)(a).

The Court took the view that the appellants/applicants have met the threshold for the grant of an extension of time to file a notice of appeal, written submissions and the bundles of documents.

Case Name: **Net International Property Limited**
v
Adv. Etian Erez (As Trustee in Bankruptcy for Rachel Sofer Sayag)

[BVIHCMAP2020/0010]
(Territory of the Virgin Islands)

Date: **Tuesday, 28th July 2020**

On paper:

Appellant: **Mr. John Carrington, QC instructed by Sabals Law**

Respondent: **Ms. Alanna-J Joseph instructed by Conyers Dill and Pearman**

Issues: **Application for stay pending appeal**

Result / Order: **IT IS HEREBY ORDERED THAT:**
The application for a stay of execution of the order of Jack J [Ag.] dated 9th June 2020 pending the determination of the appeal, is granted.

Reason: **The Court considered an application for a stay of execution of the order of Jack J [Ag.] dated 9th June 2020 pending the determination of the appeal. The Court considered the principles contained in C-Mobile Services Limited v Huawei Technologies Co. Limited BVIHCMAP2014/0017 (delivered on 2nd October 2014, unreported) which guide the exercise of this Court's discretion when determining whether to grant a stay pending appeal. The Court took the view that the appellant had met the threshold for the grant of a stay of execution pending the determination of the appeal.**

Case Name: **Renova Industries Limited & Ors**
Claimants
-and-

By way of Claim:

**Emmerson International Corporation & Ors
Defendants
And by way of Counterclaim:**

**Emmerson International Corporation & Ors
Claimants by way of Counterclaim**

-and-

**Renova Industries Ltd & Ors
Defendants by way of Counterclaim
And by way of Ancillary Claim:**

**Mikhail Abyzov & Ors
Claimants by way of Ancillary Claim**

-and-

**Renova Industries Ltd & Ors
Defendants by way of Ancillary Claim**

**And by way of Third Ancillary Claim:
Emmerson International Corporation
Claimant by way of Third Ancillary Claim
-and-**

**Viktor Vekselberg & Ors
Defendants by way of Third Ancillary Claim**

**[BVIHCMAP2020/0003]
(Territory of the Virgin Islands)**

Date: Tuesday, 28th July 2020

On paper:
Applicant: Mr. Phillip Baldwin instructed by Lennox Patton (BVI)

Issues: Application for extension of time to seek leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall serve the notice of application for extension of time seek for leave to appeal together with the supporting documents on the respondents within 14 days of this order and shall provide proof of service on the respondents within 21 days of this order.
2. The matter is adjourned for further consideration to the next chamber hearing of this Court scheduled for 22nd September 2020.

Reason:

The Court considered that an application for leave to appeal the order of Wallbank J [Ag.] dated 4th February 2020. The Court noted that there was no proof of service on the applicant of the application for an extension of time.