

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING
SAINT VINCENT AND THE GRENADINES
7th September 2020

Case Name: **Stanley De Freitas**
v
Financial Services Authority

[SVGHCVAP2017/0014]
Saint Vincent and the Grenadines

Date: **Monday, 7th September 2020**

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

Appearances:

Appellant: **Mr. Joseph Delves**

Respondent: **Mr. Julian Jack holding papers for Mr. Parnel R Campbell, QC**

Issues: **Status of the matter**

Type of Order **Adjournment**

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

The matter is adjourned to the next status hearing of the Court for the state of Saint Vincent and the Grenadines scheduled for 6th January, 2021.

Reason

The transcript of proceedings in this matter is incomplete. As such, counsel for the appellant expressed his desire to hold discussions with Mr. Campbell QC, counsel for the respondent, on the possibility of the matter proceeding without a transcript in accordance with rule 62.9(3) of the Civil Procedure Rules 2000. Additionally, counsel for the

appellant indicated that if counsel for the respondent does not agree to this, he will make alternative arrangements for an external transcriptionist to be used to produce the transcript of proceedings.

Case Name:

Lamond Barker

v

[1] Mary O'Garro

[2] Donna O'Garro

[SVGHCVAP2015/0021]

Saint Vincent and the Grenadines

Date:

Monday, 7th September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Roderick Jones

Respondent:

Ms. Paula David

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 along with written submissions and authorities, on or before 16th November, 2020.**
- 2. The respondent shall file and serve written submissions with authorities on or before 16th December, 2020.**

3. The appellant is at liberty to file and serve written submissions in reply, if necessary on or before 31st December 2020.

4. The hearing of the appeal is adjourned to the next Sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 11th January 2021.

Reason

Due to the completion of the transcript of proceedings, the parties expressed their readiness to have the matter heard at the next sitting of the Court.

Case Name:

Alicia Browne

v

RBTT Bank Caribbean Limited

[SVGHCVAP2015/0018]

Saint Vincent and the Grenadines

Date:

Monday, 7th September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Richard Williams

Respondent:

Mr. Akin John and Ms. Keisal Peters

Issues:

Status of the matter

Type of Order

Directions

Result / Order

IT IS HEREBY ORDERED THAT:

1. The parties shall agree the documents to be filed in the Record of Appeal and shall produce a supplemental record, if necessary, on or before 30th September, 2020.

2. The appellant shall file and serve written submissions with authorities, on or before 30th October 2020.
3. The respondent shall file and serve written submissions with authorities on or before 30th November, 2020.
4. The appellant is at liberty to file and serve written submissions in reply, if necessary on or before 15th December, 2020.
5. The hearing of the appeal is adjourned to the next Sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 11th January, 2021.

Reason

Counsel for the respondent indicated that the respondent was not afforded an opportunity to suggest documents to be included in the Record of Appeal.

Case Name:

RBTT Bank Caribbean Limited

V

[1] John Nicholson

[2] Garnet Williams

[SVGHCVAP2016/0005]

(Saint Vincent and the Grenadines)

Date:

Monday, 7th September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Akin John, with him Ms. Keisal Peters

Respondent:

Mr. Richard Williams

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 along with written submissions and authorities, on or before 30th October, 2020.
2. The respondents shall file and serve written submissions with authorities on or before 30th November, 2020.
3. The appellant is at liberty to file and serve written submissions in reply, if necessary on or before 14th December, 2020.
4. The hearing of the appeal is fixed for the next Sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 11th January 2021.

Reason

Counsel for the appellant requested that time be given until the end of October 2020 to file the Record of Appeal along with Written Submissions. Counsel for the respondent acceded to this request.

Case Name:

**Rudolph Daize
v
Simon Kamara**

**[SVGHCVP2016/0018]
Saint Vincent and the Grenadines**

Date:

Monday, 7th September 2020

Coram:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	Mr. Richard Williams
Respondent:	Mr. John Coombs holding papers for Mr. Duane Daniel
Issues:	Status of the matter
Type of Order	Directions
Result / Order	IT IS HEREBY ORDERED THAT: 1. The appellant shall file and serve written submissions with authorities, on or before 7th October 2020. 2. The respondent shall file and serve written submissions with authorities on or before 9th November, 2020. 3. The appellant is at liberty to file and serve written submissions in reply, if necessary on or before 24th November 2020. 4. The hearing of the appeal is adjourned to the next Sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 11th January 2021.
Reason	It was noted that both the Notice of Appeal and Record of Appeal were filed in the matter. However, Written Submissions from either party were not, as at the date of the Status Hearing, yet filed.
Case Name:	Brandon Lynch v Kenrick Isaacs

**[SVGHCVAP2016/0030]
Saint Vincent and the Grenadines**

Date: Monday, 7th September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Mrs. Patricia Marks-Minors holding for Mr. Ronald Marks
Respondent:	Ms Vynnette Frederick

Issues: Status of the matter

Type of Order Adjournment

Result / Order IT IS HEREBY ORDERED THAT:

Upon noting the indication from counsel that the parties intend to enter into settlement discussions, the matter is adjourned to the next Status Hearing of the Court in Saint Vincent and the Grenadines scheduled for 6th January, 2021 for report.

Reason Counsel indicated that they intend to enter into settlement discussions in relation to this matter and as such requested an adjournment.

Case Name:

**Helon Quammie
v
Learna Quammie**

**[SVGHCVAP2017/0002]
Saint Vincent and the Grenadines**

Date: Monday, 7th September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance
Respondent: Mr. Richard Williams

Issues: Status of the matter

Type of Order Directions

Result / Order IT IS HEREBY ORDERED THAT:

1. Upon noting the indication from counsel for the respondent that an external transcriptionist be used for the preparation of the transcript of proceedings, the Registrar of the High Court shall make the necessary arrangements with counsel for the respondent to cause the transcript of proceedings to be prepared by an external transcriptionist.
2. The matter is adjourned to the next Status Hearing of the Court in Saint Vincent and the Grenadines scheduled for 6th January, 2021.

Reason The transcript of proceedings in this matter is not complete. Counsel for the respondent indicated that a letter was written to the Registrar of the High Court requesting an external transcriptionist. The Registrar of the High Court informed that she is not aware of this correspondence.

Case Name: [1] Jennifer Abbott
[2] Albert Plato
[3] Shirley Layne Jones

v

Cyril Evans

**[SVGHCVAP2018/0011]
Saint Vincent and the Grenadines**

Date:	Monday, 7th September 2020
Coram:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	Mr. Joseph Delves holding papers for Mr. Carlyle Dogan, QC
Respondent:	No appearance
Issues:	Status of the matter
Type of Order	Directions
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 adjourned to the next status hearing of the court for the state of Saint Vincent and the Grenadines scheduled for 6th January 2021. 3. 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	The transcript of proceedings is incomplete.
Case Name:	Edmund Smith (Deceased)

**(By representative Jasmine Josette Ellis-Davy
and/or Bernard Brown pursuant to rule 21.7 of
the CPR)**

**v
Carol Jardine**

**[SVGHCVAP2017/0003]
Saint Vincent and the Grenadines**

Date:	Monday, 7th September 2020
Coram:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	Ms. Maia Eustace holding for Robertson and Robertson Chambers
Respondent:	Mr. John Coombs holding for Mr. Duane Daniel
Issues:	Status of the matter
Type of Order	Directions
Result / Order	IT IS HEREBY ORDERED THAT: 1. The Registrar of the High Court is to continue efforts to cause the transcript of proceedings to be prepared. 2. The matter is adjourned to the next Status Hearing of the Court in Saint Vincent and the Grenadines scheduled for 6th January, 2021.
Reason	The transcript of proceedings is incomplete.
Case Name:	Danrick Williams

v

Daron Andrews

**[SVGHCVAP2017/0007]
Saint Vincent and the Grenadines**

Date: Monday, 7th September 2020
Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Ms. Ashelle Morgan
Respondent: Mr. Richard Williams

Issues: Status of the matter

Type of Order Directions

Result / Order IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall notify the parties of the availability of the recording of the proceedings to complete the transcript on or before 9th September 2020.
2. The matter is adjourned to the next Status Hearing of the Court for the state of Saint Vincent and the Grenadines scheduled for 6th January 2021, for the parties to discuss how this matter should proceed in relation to the transcript of proceedings.

Reason The recording of the proceedings in the lower court is not yet available.

Case Name: Troy Peters
v
Elford Wyllie

[SVGHCVAP2017/0015]

Saint Vincent and the Grenadines

Date: Monday, 7th September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Zhing Horne Edwards

Respondent: Mr. Akin John and Ms. Keisal Peters

Issues: Status of the matter

Type of Order N/A

Result / Order IT IS HEREBY ORDERED THAT:

Upon the court noting that the respondent is deceased, the matter is removed from the list until such time as the Court is notified of the appointment of a representative for the respondent.

Reason Counsel for the respondent informed the Chief Registrar that the respondent is deceased and that a legal personal representative has not yet been appointed.

Case Name:

Tadius Mc Allister
v
[1] Gregory Decaul
[2] The Attorney General

[SVGHCVAP2018/0001]
Saint Vincent and the Grenadines

Date: Monday, 7th September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Ronald Marks

Respondents: Ms. Shirilan Barnwell holding for papers for Mr. Jomo Thomas for the 1st Respondent

Mr. Kezron Walters on behalf of the Attorney General's Chambers for the 2nd Respondent

Issues: Status of the matter

Type of Order N/A

Result / Order IT IS HEREBY ORDERED THAT:

Upon the court noting that the first respondent is deceased, the matter is removed from the list until such time as the Court is notified of the appointment of a representative for the First Respondent.

Reason Counsel for the 1st Respondent informed the Chief Registrar that the 1st Respondent is deceased. Counsel indicated that he is in the process of preparing the application for appointment of a representative. This has not been completed.

Case Name: First St. Vincent Bank Limited
v
[1] Eastern Caribbean Central Bank
[2] The Attorney General

[SVGHCVAP2018/0012]
Saint Vincent and the Grenadines

Date: Monday, 7th September 2020

Coram:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	Ms. Shirlan Barnwell holding papers for Mr. Ruggles Ferguson
Respondent:	Mr. Damian Kelsick for the 1st Respondent
	Ms. Karen Duncan on behalf of the Attorney General's Chambers
Issues:	Status of the matter
Type of Order	Directions
Result / Order	IT IS HEREBY ORDERED AND DIRECTED THAT: The matter shall proceed without the use of a transcript of proceeding and shall thereafter proceed in accordance with the Civil Procedure Rules 2000.
Reason	The appellant and the 2 nd respondent have agreed to proceed as a summary appeal, without the transcript. The 1 st respondent has agreed to proceed by way of summary appeal.
Case Name:	Representatives of Winston Knights v Leroy Knights [SVGHCVAP2018/0002] Saint Vincent and the Grenadines
Date:	Monday, 7th September 2020
Coram:	Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:	
Appellant:	Ms. Maia Eustace holding for Robertson and Robertson Chambers
Respondent:	Ms. Rochelle Forde
Issues:	Status of the matter
Type of Order	Adjournment
Result / Order	IT IS HEREBY ORDERED THAT: Upon the court noting the appellant's request for an adjournment, and there being no objection by the respondent, the matter is adjourned to the next Status Hearing of the Court for the state of Saint Vincent and the Grenadines scheduled for 6th January, 2021.
Reason	The appellant requested an adjournment of the matter.
Case Name:	Public Service Board of Appeal v Otto Sam [SVGHCVAP2018/0013] Saint Vincent and the Grenadines
Date:	Monday, 7th September 2020
Coram:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	Ms. Kezron Walters on behalf of the Attorney General's Chambers

Respondent: Ms. Shirilan Barnwell holding papers for Mr. Jomo Thomas

Issues: Status of the matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

Upon the court noting the certificate of agreement filed on 3rd September 2020 that the matter proceed as a summary appeal dispensing with the need for the preparation of a full Record of Appeal, the matter is removed from the Status Hearing list and will thereafter proceed in accordance with Civil Procedure Rules 2000.

Reason: A certificate of agreement to proceed as a summary appeal was filed on 3rd September, 2020.

Case Name: Carl de Freitas
v
R & R Investments Limited
[SVGHCVAP2018/0004]
Saint Vincent and the Grenadines

Date: Monday, 7th September 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Ms. Maia Eustace holding papers for Robertson and Robertson Chambers

Respondent: No appearance

Issues: Status of the matter

Type of Order

N/A

Result / Order

IT IS HEREBY ORDERED THAT:

Upon the court noting that the Notice of Appeal has not been served on the respondent and that the time for doing so has expired, the matter is dismissed as a nullity.

Reason

There has been no confirmation of service of the Notice of Appeal filed on 11th April 2018 on the respondent. As the Notice of Appeal has not been served on the respondent within the prescribed time by the Civil Procedure Rules 2000 and there had been no application made by the appellant for an extension of time to serve the Notice of Appeal on the basis of extraordinary circumstances, the appeal has become a nullity.

Case Name:

Kennie Tannis

V

Patrick Bunyan

[SVGHCVAP2018/0006]

Saint Vincent and the Grenadines

Date:

Monday, 7th September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Richard Williams

Respondent:

Ms. Maia Eustace for Robertson and Robertson Chambers

Issues:

Status of the matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall take the necessary steps to obtain the notes of evidence from the master for the proceedings in the court below.**
- 2. The matter is adjourned to the next Status Hearing of the Court of Appeal in Saint Vincent and the Grenadines scheduled for 6th January, 2021.**

Reason

There is no transcript of proceedings and the proceedings were not recorded. As such, counsel for the appellant has requested the Master's notes as there was cross-examination in the trial which took place in the court below.

Case Name:

Solana Gooding

V

Ashley Ollivierre

[SVGHCVAP2018/0005]

Saint Vincent and the Grenadines

Date:

Monday, 7th September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Ms. Zhing Horne Edwards

Respondent:

Mr. Richard Williams

Issues:

Status of the matter

Type of Order	Directions
Result / Order	IT HEREBY ORDERED THAT: 1. The appellant shall take the necessary steps to make a request for the transcript of proceedings in this matter. 2. The matter shall thereafter proceed in accordance with the Civil Procedure Rules 2000.
Reason	There was no request for transcript sent by the appellant and therefore no transcript of proceedings was being prepared.
Case Name:	Arnhim Eustace v Rishatha Nicholls [SVGHCVAP2018/0008] Saint Vincent and the Grenadines
Date:	Monday, 7 th September 2020
Coram:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	Ms. Maia Eustace
Respondent:	Mr. Ronald Marks
Issues:	Status of the matter
Type of Order	Adjournment
Result / Order	IT IS HEREBY ORDERED THAT:

Upon the Court noting the indication from counsel for the appellant that a Notice of Discontinuance will be filed, the matter is adjourned to the next Status Hearing of the Court in the state of Saint Vincent and the Grenadines scheduled for 6th January 2021, unless a Notice of Discontinuance is sooner filed.

Reason

The parties held discussions in this matter and the matter is expected to be discontinued. A notice of discontinuance should be filed shortly.

Case Name:

Patrica Anne Huggins

v

Lloyd Browne

[SVGHCVAP2018/0007]

Saint Vincent and the Grenadines

Date:

Monday, 7th September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Richard Williams

Respondent:

Ms. Suenel Fraser

Issues:

Status of the matter

Type of Order

Directions

Result / Order

IT IS HEREBY ORDERED THAT:

1. The respondent shall file and serve written submissions with authorities on or before 5th October, 2020.
2. The appellant is at liberty to file and serve written submissions in reply, if necessary, on or before 20th October, 2020.
3. The hearing of the appeal is fixed for the next Sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 11th January, 2021.

Reason

Written Submissions were filed on behalf of the appellant on 3rd September 2020 and served on the respondent on 4th September 2020. The respondent's written submissions have not yet been filed.

Case Name:

Clive Crick

v

[1] Norris Lewis

[2] Joan Lewis

[SVGHCVAP2018/0009]

Saint Vincent and the Grenadines

Date:

Monday, 7th September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Richard Williams

Respondent:

Dr. Linton Lewis

Issues:

Status of the matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The respondent shall file and serve written submissions and authorities on or before 25th September, 2020.
2. The appellant is at liberty to file and serve written submissions in reply, if necessary, on or before 12th October 2020.
3. The hearing of the appeal is fixed for the next Sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 11th January 2021.

Reason

The appellant's Written Submissions were filed on 21st August 2020 and served on the respondent on 24th August 2020. The respondent's written submissions have not yet been filed.

Case Name:

Michael Ullman

v

[1] Lars Abrahamsson

[2] Luma Limited

[SVGHCVAP2018/0010]

Saint Vincent and the Grenadines

Date:

Monday, 7th September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Richard Williams

Respondents:

No appearance

Issues:

Status of the matter

Type of Order

Adjournment

Result / Order

IT IS HEREBY ORDERED THAT:

1. Upon the Court noting that the respondents have not been served to appear today, the matter is adjourned to the next Status Hearing of the Court scheduled for 6th January, 2021.
2. The Registrar of the High Court shall serve a copy of this order on the respondents and shall provide proof of service thereafter.

Reason

The transcript of proceedings is incomplete. The respondent was not served to appear at the Status Hearing.

Case Name:

Angus Dennie

V

**Saint Vincent and the Grenadines Small
Business & Microfinance Co-Operative**

**[SVGHCVP2017/0013]
Saint Vincent and the Grenadines**

Date:

Monday, 7th September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

**Ms. Maia Eustace holding for Robertson and
Robertson Chambers**

Respondent:

Mr. Julian Jack

Issues:

Status of the matter

Type of Order:

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

Upon the court noting the appellant's request for an adjournment, and there being no objection by the respondent, the matter is adjourned to the next status hearing of the court for the state of Saint Vincent and the Grenadines scheduled for 6th January, 2021.

Case Name:

**In the matter of the Possessory Titles Act
Re Marie Laurence Mertz**

**[SVGHCVAP2019/0016]
Saint Vincent and the Grenadines**

Date:

Monday, 7th September 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Julian Jack holding for Mr. Parnel Campell, QC

Issues:

Status of the matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. Upon noting the indication from counsel for the appellant that an external transcriptionist be used for the preparation of the transcript of proceedings, the Registrar of the High Court shall make the necessary arrangements with counsel for the appellant to cause the transcript

of proceedings to be prepared by an external transcriptionist.

2. The matter is adjourned to the next Status Hearing of the court in Saint Vincent and Grenadines scheduled for 6th January, 2021.

Reason:

Counsel for the appellant requests the use of an external transcriptionist.