

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING

SAINT VINCENT AND THE GRENADINES
VIDEOCONFERENCE
Wednesday, 6th January 2021

Case Name: Augustine J.C. Miguel

v

[1] Natalie Miguel Nee Sardine
[2] Jason Sardine
[3] Noel Sardine
[4] Magdaline Sardine

SVGHCVAP2015/0012

Date: Wednesday, 6th January 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Lyndon George

Respondents: Mr. Duane Daniel holding watching brief for the respondents

Issue: The status of the matter

Type of Directions

Order:

Result/Order:

IT IS HEREBY ORDERED THAT:

1. Counsel for the respondent shall inform counsel for the appellant of the documents which the respondent wishes to be included in the Record of Appeal on or before 20th January 2021.
2. The appellant shall file and serve the Record of Appeal on or before 11th February 2021.
3. The appellant shall file and serve written submissions with authorities on or before 11th March 2021.
4. The respondent shall file and serve written submissions with authorities on or before 12th April 2021.
5. The appellant is at liberty to file and serve written submissions in reply, if necessary, on or before 27th April 2021.
6. 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 14th June 2021.

Reason:

The Court was of the view that, the transcript having been prepared and paid for, further directions were required for the matter to proceed.

Case Name:

**Brandon Lynch
v
Kenrick Isaacs**

SVGHCVAP2016/0030

Date: **Wednesday, 6th January 2021**

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

Appearances:

Appellant: **Mr. Ronald Marks**

Respondent: **No appearance**

Issue: **The 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 Saint Vincent and the Grenadines scheduled for 7th June 2021 for report.

Reason: **The Court noted the indication from counsel for the appellant that the parties require more time to continue settlement discussions.**

Case Name: **Danrick Williams**
v
Daron Andrews

SVGHCVAP2017/0007

Date: **Wednesday, 6th January 2021**

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

Appearances:

Appellant: **Ms. Ashelle Morgan**

Respondent: **Mr. Richard Williams**

Issue: **The status of the matter**

Type of Order: **Directions**

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

- 1. Counsel for the appellant shall make payment at the High Court for the judge's notes on or before 11th January 2021.**
- 2. The parties shall agree to the documents to be included in the Record of Appeal on or before 20th January 2021.**
- 3. The appellant shall file and serve the Record of Appeal on or before 12th February 2021.**
- 4. The appellant shall file and serve written submissions with authorities on or before 12th March 2021.**
- 5. The respondent shall file and serve written submissions with authorities on or before 12th April 2021.**

6. The appellant is at liberty to file and serve written submissions with authorities in reply if necessary, on or before 27th April 2021.
7. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal for Saint Vincent and the Grenadines scheduled for the week commencing the 14th June 2021.

Reason: Counsel for the appellant informed that she was not able to get the payment for the Judge's notes processed due to some issues with the cash at the registry. The Court was of the view that, the Judge's notes having been prepared, further directions were required for the matter to proceed.

Case Name: Angus Dennie
v
St. Vincent & the Grenadines Small Business & Microfinance Co-Operative Ltd
SVGHCVAP2017/0013

Date: Wednesday, 6th January 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Ms. Samantha Robertson
Respondent: Mr. Julian Jack

Issue: The 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 of Appeal in Saint Vincent and the Grenadines scheduled for 7th June 2021 for counsel for the appellant to indicate whether the appellant is still interested in prosecuting the appeal.

Reason: Ms. Robertson has recently taken conduct of this matter as counsel who had previous conduct is now deceased. Ms. Robertson indicated that she has tried to make contact with the appellant but has not been able to. She therefore requested more time to make contact to see if the appellant is still interested in prosecuting the appeal.

Case Name: Stanley De Freitas
v
Financial Services Authority

SVGHCVAP2017/0014

Date: **Wednesday, 6th January 2021**

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

Appearances:

Appellant: **Mr. Joseph Delves**

Respondent: **Mr. Parnel Campbell, QC**

Issue: **The status of the matter**

Type of Order: **Directions**

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

- 1. The parties shall provide the court in writing with their consent that the need for the transcript to be included in the record in whole or in part be dispensed with on or before 20th January 2021.**
- 2. The appeal shall thereafter proceed in accordance with the Civil Procedure Rules 2000.**

Reason: **The Court noted the indication from the Registrar of the High Court that both the recording of proceedings in the court below**

and the trial judge's notes are unavailable. Further, counsel for the parties have agreed to dispense with the need for a transcript pursuant to rule 62.9(3) of the Civil Procedure Rules 2000.

Case Name: **Representatives of Winston Knights**
v
Leroy Knights

SVGHCVAP2018/0002

Date: **Wednesday, 6th January 2021**

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

Appearances:
Appellant: **Ms. Samantha Robertson**
Respondent: **Ms. Rochelle Forde**

Issue: **The status of the matter**

Type of **Adjournment**
Order:

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

The matter is adjourned to the next status hearing of the Court in Saint Vincent and the Grenadines scheduled for 7th June 2021 for report.

Reason: The Court noted the indication from the parties that they wish to engage in settlement discussions.

Case Name: Michael Ullman
v
[1] Lars G. Abrahamsson
[2] Luma Limited
SVGHCVAP2018/0010

Date: Wednesday, 6th January 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Richard Williams
Respondents: No appearance

Issue: The status of the matter

Type of Directions

Order:

**Result/
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall file and serve written submissions with authorities on or before 26th March 2021.**
- 2. The respondents are at liberty to file and serve written submissions with authorities on or before 26th April 2021.**
- 3. The appellant is at liberty to file and serve written submissions in reply if necessary, on or before 11th May 2021.**
- 4. The hearing of the appeal is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines scheduled for the week commencing 14th June 2021.**
- 5. The Registrar of the High Court shall serve a copy of this order on the respondents and shall provide proof of service thereafter.**

Reason:

Though the Record of Appeal was filed on 30th December 2020, the respondent has not yet been served. The appellant indicated that he intends to serve the respondent today. Counsel for the appellant has also requested an extension for the filing of submissions to take into account the making of an application to amend the grounds of appeal.

Case Name: Lamond Barker
v
[1] Mary O’Garro
[2] Donna O’Garro

SVGHCVAP2015/0021

Date: Wednesday, 6th January 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Richard Williams holding for Mr. Roderick Jones
Respondents: Ms. Paula David

Issue: 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 29th January, 2021.
2. The appellant shall file and serve written submissions with authorities, on or before 26th February, 2021.
3. The respondent shall file and serve written submissions with authorities on or before 26th March, 2021.
4. The appellant is at liberty to file and serve

**written submissions in reply, if necessary,
on or before 12th April, 2021.**

- 5. 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 14th June, 2021.**

Reason: Mr. Williams informed the Court that the
Record of Appeal has not yet been filed as it is
voluminous, being over 1000 pages and quite
complex.

Case Name: Nia Grecia
V
Malicia Nererson
SVGMCVAP2019/0002

Date: Wednesday, 6th January 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance
Respondent: No appearance

Issue: 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 scheduled for 7th June 2021.
- 2. The Registrar of the High Court shall serve a copy of the Record of Appeal on the parties personally and shall provide proof of service thereafter.
- 3. The Registrar of the High Court shall serve a copy of this order on the parties personally and shall provide proof of service thereafter.

Reason: **The parties were not served to be present at the hearing.**

Case Name: **Ian Fraser**
v
[1] Bruce Brown
[2] Ernest Brown
SVGMCVAP2019/0003

Date: **Wednesday, 6th January 2021**

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

Appearances:
Appellant: **No appearance**
Respondents: **No appearance**

Issue: 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 scheduled for 7th June, 2021.
- 2. The Registrar of the High Court shall serve a copy of the Record of Appeal on the respondents personally and shall provide proof of service thereafter.
- 3. The Registrar of the High Court shall serve a copy of this order on the parties personally and shall provide proof of service thereafter.

Reason: The parties were not served to be present at the hearing. The court office also noted that there was some difficulty in locating the 1st respondent who had left Saint Vincent and the Grenadines in March 2019. Mrs. Kay Bacchus-Baptiste, the attorney on record in the court below but not in the appeal, stated that she is certain that the 1st respondent is in the state of Saint Vincent and the Grenadines.

Case Name: Francis Robinson
v
Tasca Abbott
SVGMCVAP2019/0006

Date: Wednesday, 6th January 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: No appearance
Respondent: No appearance

Issue: 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 scheduled for 7th June, 2021.
2. The Registrar of the High Court shall serve a copy of the Record of Appeal and this order on the parties

personally and shall provide proof of service thereafter.

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

Reason: The record of appeal was filed on 16th May 2019 but there is no proof of service on the parties. There is also no proof of service on the parties for today’s status hearing.

Case Name: Allie Harry
v
O’Brian Nanton

SVGMCVAP2018/0004

Date: Wednesday, 6th January 2021

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mrs. Kay Bacchus-Baptiste
Respondent: Mr. Ronald Marks

Issue: The 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 26th March 2021.
2. The respondent shall file and serve written submissions with authorities on or before 26th April 2021.
3. The appellant is at liberty to file and serve written submissions with authorities in reply if necessary on or before 11th May 2021.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Saint Vincent and the Grenadines scheduled for the week commencing 14th June 2021.

Reason:

Counsel for the appellant indicated that she was unable to get in contact with the appellant. She therefore requested an adjournment to take instructions on how to proceed. Counsel for the respondent informed that his client has been without his judgment since 2018 and wishes to get this matter resolved soonest and would prefer if the Court gave directions.

The Court therefore suggested that time

for filing submissions be extended to March 2021 so that in the event that the appellant does not wish to proceed then a Notice of Discontinuance can be filed. If the appellant wishes to proceed then submissions can be filed and the matter listed for hearing.