

EASTERN CARIBBEAN SUPREME COURT
CHAMBER HEARING DIGEST
28th February 2020

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal

Case Name: Haynes Browne
t/a Browne's Brothers Construction
v
Neil Sargeant
as Executor of the Estate of Buell Carr

**[ANUHCVP2019/0038]
(Antigua and Barbuda)**

Date: Tuesday, 18th February 2020

Appearances:

Applicant: Ms. C. Debra Burnette

Respondent: Dr. David Dorsett

Issues: Application for leave to appeal – Application for a stay of proceedings pending appeal

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

1. The applicant shall provide this Court with the perfected order of Master Jan Drysdale dated 11th December 2019 within 14 days of the date of this order.
2. The application for leave to appeal and for a stay of proceedings is adjourned for further consideration to the next Chamber Hearing of this Court scheduled for 17th March 2020.

Reason: The Court noted and that a sealed and perfected copy of

the order of Master Jan Drysdale dated 11th December 2019 in relation to which leave to appeal and a stay pending appeal was being sought was not attached to the application.

Case Name: **Cable & Wireless Antigua and Barbuda Limited**
v
Antigua and Barbuda Workers' Union
[ANULTAP2016/0003]
(Antigua and Barbuda)

Date: **Tuesday, 18th February 2020**

Appearances:

Applicant: **Hill & Hill**

Respondent: **Mr. Justin Simon, QC**

Issues: **Application for extension of time to settle and transmit record of appeal to Privy Council**

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

- 1. The applicant shall serve the respondent with a copy of the application for an extension of time to settle and transmit the Record of Appeal to the Privy Council together with supporting documents and provide proof of service of same within 14 days of the date of this Order.**
- 2. The application for the extension of time to comply with the conditions of the order of the Court granting conditional leave to appeal to her Majesty in Council made on 16th September 2019 is adjourned for further consideration to the next Chamber Hearing of the Court scheduled for 17th March 2020.**

Reason: **The Court noted that there was no affidavit evidencing service of the notice application for an extension of time and the supporting documents on the respondent.**

Case Name:

**1. Clico International Life Insurance Ltd
2. Wilbur Harrigan (As Administrator of Clico
International Life Insurance Ltd.)**

v

Eastern Caribbean Baptist Mission

and

**1. Clico International Life Insurance Ltd
2. Wilbur Harrigan (As Administrator of Clico
International Life Insurance Ltd.)**

v

Jeriann George

and

**1. Clico International Life Insurance Ltd
2. Wilbur Harrigan (As Administrator of Clico
International Life Insurance Ltd.)**

v

Hensworth Jonas

[ANUHCVP2019/0035]

Date:

Tuesday, 18th February 2020

Appearances:

Appellant: Mr. Simon Rogers Murdoch

Respondent: Marshall & Co.

Issues:

**Application for extension of time to file submissions in
support of application for stay of execution**

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The appellants are granted an extension of time
to file written submissions in support of the
application for a stay of execution.**
- 2. The appellants shall file written submissions in
support of the application for a stay of execution
within 14 days of the date of this order.**

3. The application for a stay of execution is adjourned for further consideration to the next Chamber Hearing of the Court scheduled for 17th March 2020.

Reason: The Court was satisfied that no prejudice would be occasioned by the grant of an extension of time to file written submissions in support of the application for a stay of execution.

Case Name: Anderson Carty
v
Gentiste Christian
[ANUMCVAP2019/0005]
(Antigua and Barbuda)

Date: Tuesday, 18th February 2020

Appearances:
Applicant: Mr. Anderson Carty
Respondent: Ms. Gentiste Christian

Issues: Application for extension of time to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall, within 14 days of the date of this order, file a copy of the order of the Magistrate's Court for which leave to appeal is being sought.
2. The applicant shall, within 14 days of the date of this order, serve the respondent with a copy of the application for an extension of time to apply for leave to appeal with affidavit in support and a copy of the order of the Magistrate's Court for which leave to appeal is being sought.
3. The application for an extension of time to apply for leave to appeal is adjourned for further consideration at the next Chamber Hearing scheduled for 17th March 2020.

Reason: The Court noted that there was no evidence of compliance with orders made by Thom and Blenman JJA dated 17th December 2019 and 23rd January 2020 respectively, directing the applicant to file a copy of the order of the Magistrate's Court for which leave to appeal is being sought and to serve the respondent with a copy of the application for an extension of time together with affidavit in support and of the order of the Magistrate's Court.

Case Name: Sheldon Aird
v
The Commissioner of Police
[ANUMCRAP2019/0016]
(Antigua and Barbuda)

Date: Tuesday, 18th February 2020

Appearances:
Applicant: Mr. Wendel Robinson
Respondent: The Director of Public Prosecutions

Issues: Application for leave to appeal against conviction and sentence

Result / Order: IT IS HEREBY ORDERED THAT:

1. The notice of application for an extension of time within which to file appeal filed on 22nd November 2019 is granted.
2. The notice of application for leave to appeal against conviction and sentence filed on 22nd November 2019 shall be treated as the notice of appeal and deemed properly filed.

Reason: The Court was of the view that the applicant had met the

threshold requirements for the grant of leave to appeal.

Case Name: **Trevon Francis**
v
The Queen
[ANUHCRA2019/0027]
(Antigua and Barbuda)

Date: **Tuesday, 18th February 2020**

Appearances:
Applicant: **Mr. Lawrence Daniels**
Respondent: **The Director of Public Prosecutions**

Issues: **Application for leave to appeal out of time against conviction and sentence**

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. The Registrar of the High Court shall, within 14 days of the date of this Order, provide this Court with a copy of the minute of conviction and sentence of the applicant and serve a copy on the Director of Public Prosecutions and provide proof of service thereafter.
2. The application for an extension of time within which to appeal is adjourned for further consideration at the next Chamber Hearing scheduled for 17th March 2020.

Reason: **The Court noted that the minute of conviction and sentence was not attached to the notice of application.**

Case Name: **Lois Henry- Francis**
v

**1. Valarie Irose Rosemarie Gilead
2. Registrar of Lands**

**[ANUHCVP2019/0037]
(Antigua and Barbuda)**

Date: Tuesday, 18th February 2020

Appearances:
Applicant: Daniel, Phillips & Associates

Issues: Application for extension of time to appeal against decision of Registrar of Lands

**Result /
Order:** IT IS HEREBY ORDERED THAT:
The application for an extension of time within which to appeal against the decision of the Registrar of Lands dated 3rd July 2019 is refused as the appeal ought to have been filed in the High Court.

Reason: The Court noted section 147 of the Registered Land Act which provides that appeals from decisions of the Registrar of Lands ought to be made to the High Court, and took the view that the applicant's application ought to have been filed in the High Court.

Case Name: Isiah Stevens
v
Chief Magistrate
**[DOMMCVP2019/0007]
(Commonwealth of Dominica)**

Date: Tuesday, 18th February 2020

Appearances:
Applicant: Norde and Lambert Chambers

Issues: Application for leave to appeal out of time

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall furnish this Court with a copy of the order of magistrate Her Honour Gloria Augustus dated 17th June 2011 within 14 days of the date of this order.
2. The applicant shall with 14 days of the date of this order serve the respondent with a copy of the notice of application for leave to appeal out of time and provide proof of service within 14 days of the date of the order.
3. The Registrar of the High Court is to serve a copy of this order on the Chief Magistrate and the applicant.
4. The application for leave to file an appeal out of time is adjourned for further consideration at the next chamber hearing of the Court scheduled for 17th March 2020.

Reason: The Court noted that the order of magistrate Her Honour Gloria Augustus dated 17th June which was the subject of the application was not attached to the notice of application, and that the respondent was not served with the notice of application.

Case Name: Khani George
v
St. Luce Jno. Lewis

[DOMMCVAP2019/0004]
(Commonwealth of Dominica)

Date: Tuesday, 18th February 2020

Appearances:

Applicant:	In person
Respondent:	In person

Issues: Civil appeal – Application for leave to appeal out of time

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The applicant is granted leave to file a notice of appeal against the order of the magistrate His Honour Michael Bruney dated 4th May 2018.
2. The applicant shall file the notice of appeal against the order of the magistrate His Honour Michael Bruney dated 4th May 2018, within 14 days of this order.

Reason:

The Court noted that there was no evidence of compliance with its previous orders dated 25th June 2019, 23rd July 2019, 24th September 2019, 22nd October 2019, 19th November 2019, 17th December 2019, and 23rd January 2020 directing the Chief Magistrate furnish this Court with a copy of the decision for which leave to appeal out of time is being sought, and that the respondent be served with the application and that proof of service on the respondent be provided to this Court.

The Court also noted that there was no evidence of compliance with its previous orders dated 24th September 2019, 22nd October 2019, 19th November 2019, 17th December 2019 and 23rd January 2020 directing the Registrar of the High Court to serve the Chief Magistrate and applicant with a copy of the orders.

Case Name:

1. Griffin Charles
2. Charmaine Pascal-Charles

V

**CC & IP Law Practitioners
[DOMMCVAP2019/0005]
(Commonwealth of Dominica)**

Date:

Tuesday, 18th February 2020

Appearances:

Applicant: Mr. Tiyani Behanzin

Respondent: CC & IP Law Practitioners

Issues: Application for leave to appeal out of time

Result / Order: IT IS HEREBY ORDERED THAT:
Unless the applicant files a copy of the decision of Stephenson J for which leave to appeal is sought within 14 days of this order and serves within 10 days of this order, a copy of the notice of the application for leave to appeal out of time on the respondent and proof of service thereof within 14 days of the date of this order, the application for leave to appeal out of time against the decision of Stephenson J shall stand dismissed.

Reason: The Court noted that there was no evidence of compliance with its previous orders dated 23rd January 2020, 17th December 2019, and 19th November 2019 directing that the applicant serve a copy of the notice of application for leave to appeal out of time on the respondent and that proof of service on the respondent be provided to this Court.

The Court also noted that there was no compliance with its previous orders dated 23rd January 2020 and 17th December 2019, directing the applicant to file a copy of the decision of the learned judge for which leave to appeal is sought, to serve a copy of the notice of application for leave to appeal out of time on the respondent and to file proof of service thereof.

Case Name:

**1.Griffin Charles
2.Charmaine Pascal-Charles
v
1.Coreen Nicholas
2.Neville Charles
3.Thomas Bougouneau
[DOMMCVAP2019/0004]
(Commonwealth of Dominica)**

Date: Tuesday, 18th February 2020

Appearances:

Applicant: Mr. Tiyani Behanzin

Respondent: In person

Issues: Application for leave to appeal out of time

Result / Order: IT IS HEREBY ORDERED THAT:
Unless the applicant files a copy of the decision of Matthew J for which leave to appeal is sought within 14 days of this order and serves within 10 days of this order, a copy of the notice of the application for leave to appeal out of time on the respondent and proof of service thereof within 14 days of the date of this order the application for leave to appeal out of time against the decision of Stephenson J shall stand dismissed.

Reason: The Court noted that there was no evidence of compliance with orders of Blenman JA dated 23rd January 2020, and Thom JA 17th December 2019, directing the applicant to file a copy of the decision of the learned judge of which leave to appeal is sought, and the orders of Blenman JA dated 23rd January 2020, Thom JA dated 17th December 2019 and Webster JA [Ag] dated 19th November 2019 directing the applicant to serve a copy of the notice of application for leave to appeal out of time on the respondent and file proof of service thereof.

Case Name: Roydel Benjamin
v
The Queen
[GDAHCRAP2019/0029]
(Grenada)

Date: Tuesday, 18th February 2020

Appearances:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issues: Application for extension of time to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide this Court with a copy of the minute of conviction and sentence of the applicant and shall serve copies thereof on him and provide proof of service within 14 days of this order.
2. The applications for an extension of time within which to appeal and for leave to appeal against sentence are adjourned for further consideration at the next Chamber Hearing scheduled for 17th March 2020.

Reason:

The Court noted that the minute of conviction and sentence was not attached to the application for leave to appeal against sentence.

Case Name:

**Roydel Benjamin
v
The Queen
[GDAHCRAP2019/0030]
(Grenada)**

Date:

Tuesday, 18th February 2020

Appearances:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issues:

Application for extension of time within which to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide this Court with a copy of the minute of conviction and sentence of the applicant and shall serve copies thereof on him and provide proof of service within 14 days of this order.
2. The applications for an extension of time within which to appeal and for leave to appeal against

sentence are adjourned for further consideration at the next Chamber Hearing scheduled for 17th March 2020.

Reason: The Court noted that the minute of conviction and sentence was not attached to the application for leave to appeal against sentence.

Case Name:

1. Choo Loi Poi
2. Choo Liu Yue Xin
v
Donald Frederick
[GDAHCVAP2016/0026]
(Grenada)

Date: Tuesday, 18th February 2020

Appearances:

Appellant: Ms. Celene Edwards
Respondent: Mr. Rohan A. Phillip

Issues: Civil appeal – Application for extension of time to file and serve record of appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for an extension of time within which to file and serve the record of appeal and submissions with authorities filed on 23rd December 2019 is granted.
2. The submissions with authorities filed on 23rd December 2019 and the Record of Appeal Volumes 1 and 2 filed on 20th December 2019 are deemed properly filed.
3. Costs of this application shall be costs in the appeal.

Reason: The Court took the view that the appellants have met the

requirements for the grant of an extension of time.

Case Name:

1. Margaret Salfarlie
2. Adrian Romain
3. Elizabeth Peters

v

1. Catherine Charles (By her duly appointed
Power of Attorney Dorset Charles)
2. Louis Charles
[GDAHCVAP2019/0025]
(Grenada)

Date:

Tuesday, 18th February 2020

Appearances:

Appellants: Mr. C. Jerry Edwin

Issues:

Application for urgent interim stay of execution

Result /
Order:

IT IS HEREBY ORDERED THAT:

1. An interim stay of execution of the order of Glasgow J dated 30th September 2019 is granted until 17th March 2020.
2. The appellants shall, serve on the respondents a copy of this order, the notice of application and affidavits in support and provide proof of service within 14 days of the date of this order.
3. The application for a stay of execution of the order of Glasgow J is adjourned for further consideration to the next Chamber Hearing of this Court scheduled for 17th March 2020.

Reason:

The Court was satisfied that the evidence filed by the applicant showed that the circumstances of the application were sufficiently urgent to warrant *ex parte* consideration of the application, that there was a real prospect that the appeal would be rendered nugatory if a stay of execution were not imposed and that it was

accordingly in the interests of justice to grant an interim stay pending an *inter partes* hearing of the application.

Case Name:

Stephen Molyneaux

v

- 1. Her Majesty's Prison**
 - 2. His Excellency the Governor, Mr. Andrew Pierce**
 - 3. Superintendent of Prisons, Mr. Bennet Kirwan**
 - 4. Head of Prison Function, Mr. Eustace Allen**
- [MNIHCVAP2019/0010]**
(Montserrat)

Date:

Tuesday, 18th February 2020

Appearances:

Appellant:

In person

Issues:

Application to amend notice of appeal

Result /
Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall provide this Court with a copy of the judgment of The Honourable Justice Mr. Iain Morley QC dated 16th September 2019 within 14 days of the date of this order.**
- 2. The Registrar of the High Court shall serve a copy of the notice of application to amend the notice of appeal on the respondents within 14 days of the date of this order.**
- 3. The Registrar of the High Court shall provide this Court with proof of service of the notice of application to amend the notice of appeal on the respondents within 14 days of the date of this order.**
- 4. The Registrar of the High Court is to serve a copy**

of this order on the appellant.

5. The application for notice of application to amend the notice of appeal filed on 28th November 2019 is adjourned for further consideration to the next chamber hearing of this Court scheduled for 17th March 2020.

Reason: The Court noted that the judgment of The Honourable Justice Iain Morley QC dated 16th September 2019 was not attached to the notice of application. The Court also noted that the application to amend the notice of appeal had not been served on the respondents.

Case Name: **Gene Paul Liburd**
v
Nevis Electricity Company Limited
[NEVHCVAP2019/0002]
(Saint Christopher and Nevis)

Date: **Tuesday, 18th February 2020**

Appearances:
Applicant: **Hector & Nisbett**

Issues: **Application for leave to appeal**

Result / **IT IS HEREBY ORDERED THAT:**
Order: **The application for leave to appeal the judgment of Williams J dated 29th November 2019 is dismissed.**

Reason: The Court took the view that the notice of application for leave to appeal did not comply with rule 62.2A(2) of the Civil Procedure Rules 2000, and that an extension of time to apply for leave to appeal has neither been sought nor granted.

Case Name:

Yvette Liddie

v

1. Peter Liddie

2. Monique Hibbert

[SKBHCVAP2019/0047]

(Saint Christopher and Nevis)

Date:

Tuesday, 18th February 2020

Appearances:

Applicant: Byron & Byron

Issues:

Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall furnish this Court with a copy of the perfected order of Ventose J dated 28th November 2019 within 14 days of the date of this Order.**
- 2. The application for leave to appeal the order of Ventose J dated 11th December 2019 is adjourned for further consideration to the next Chamber Hearing of this Court scheduled for 17th March 2020.**

Reason:

The Court noted that a copy of the perfected order of Ventose J dated 28th November 2019 was not attached to the application.

Case Name:

Josephine Huggins

v

1. SKN Choice Times Limited

2. Dwight Cozier

**[SKBHCVAP2019/0049]
(Saint Christopher and Nevis)**

Date: Tuesday, 18th February 2020

Appearances:
Applicant: Mrs. M. Angela Cozier

Issues: Application for leave to appeal

**Result /
Order:** IT IS HEREBY ORDERED THAT:
1. The applicant shall furnish this Court with a copy of the perfected order of Ventose J dated 11th December 2019 within 14 days of the date of this Order.
2. The application for leave to appeal the order of Ventose J dated 11th December 2019 is adjourned for further consideration at the next Chamber Hearing of this Court scheduled for 17th March 2020.

Reason: The Court noted that a copy of the perfected order of Ventose J dated 11th December 2019 was not attached to the application.

Case Name:
1. Exclusive Retreats Limited
2. Kevin Andrew Horstwood
v

First Caribbean International Bank (Barbados)
Limited

**[SKBHCVAP2019/0050]
(Saint Christopher and Nevis)**

Date: Tuesday, 18th February 2020

Appearances:

Applicants: Byron & Byron

Issues:

Application for leave to appeal – Application for extension of time to apply for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicants shall, within 14 days, provide this Court with proof of service on the respondent of the application for an extension of time to apply for leave to appeal.**
- 2. The application for an extension of time to apply for leave to appeal, and the application for leave to appeal are adjourned to the next Chamber Hearing of this Court scheduled for 17th March 2020.**

Reason:

The Court noted that there was no proof of service of the application for an extension of time to apply for leave to appeal on the respondent.

Case Name:

Earl Garfield Jeffers

v

- 1. Shirley Liddie**
- 2. Edwin Liddy**
- 3. Registrar General of Births
Deaths
& Marriages**

[SKBHCVAP2019/0051]

(Saint Christopher and Nevis)

Date:

Tuesday, 18th February 2020

Appearances:

Applicant: Byron & Byron

Issues:

Application for leave to appeal

Result /

IT IS HEREBY ORDERED THAT:

Order:

1. The applicant shall furnish this Court with a copy of the perfected order of Ventose J dated 12th December 2019 within 14 days of the date 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 17th March 2020.

Reason:

The Court noted that a copy of the perfected order of Ventose J dated 12th December 2019 was not attached to the application.

Case Name:

Earl Garfield Jeffers

v

1. Shirley Liddie
2. Edwin Liddy
3. Registrar General of Births
Deaths
& Marriages

[SKBHCVAP2020/0002]

(Saint Christopher and Nevis)

Date:

Tuesday, 18th February 2020

Appearances:

Applicant: Byron & Byron

Issues:

Application for leave to appeal – Application for extension of time to appeal – Application for consolidation of application – Application for stay of proceedings in the court below pending appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The applicant shall furnish this Court with a copy of the perfected order of Ventose J dated 12th December 2019 within 14 days of the date 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 17th March 2020.

Reason: The Court noted that copies of the perfected orders of Ventose J dated 27th January 2020 dated 12th December 2019 were not attached to the application.

Case Name: Wycliffe H. Baird
v
1. David Goldgar
2. Paul B. Coburn
3. Caribe (Realties)
Canada Limited
4. Immeubles Caribe
Canada Ltee
5. Betts Realty Limited
[SKBHCVAP2019/0038]
(Saint Christopher and Nevis)

Date: Tuesday, 18th February 2020

Appearances:
Appellant: Byron & Byron

Issues: Application for stay pending appeal

Result / Order: IT IS HEREBY ORDERED THAT:
4. The appellant shall, within 14 days of this order, provide proof of service on the respondents of the notice of application for a stay of execution pending appeal, affidavit in support, certificate of exhibits and draft order.
5. The application for a stay of execution pending appeal is adjourned to the next Chamber Hearing of

this Court scheduled for 17th March 2020.

Reason: The Court noted that there was no evidence by way of affidavit that the notice of application and supporting documents were served on the respondents.

Case Name: Keith Herbert
v
The Queen
[SKBHCRAP2018/0005]
(Saint Christopher and Nevis)

Date: Tuesday, 18th February 2020

Appearances:
Applicant: In person

Issues: Application for extension of time to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall file, by way of letter or otherwise, his reasons for delay in filing a notice of appeal against conviction, within 14 days of this order.
2. The Registrar of the High Court shall furnish the Court with a copy of the minute of conviction and sentence of the applicant within 14 days of the date of the order.
3. The Registrar of the High Court shall, within 21 days, serve on the Director of Public Prosecutions, a copy of this order, the notice of appeal and the minute of conviction and sentence of the applicant.
4. The Registrar of the High Court shall, within 7 days, provide proof of service of this order and the orders of Thom and Blenman JJA dated 17th December 2019 and 21st January 2020, respectively.
5. The matter is adjourned the next Chamber Hearing of this Court scheduled for 17th March 2020.

Reason:

The Court noted that there was no evidence of service on the applicant of and compliance with the orders of Thom and Blenman JJA dated 17th December 2019 and 21st January 2020, directing the applicant to file, by way of letter or otherwise, his reasons for delay in filing a notice of appeal against conviction, directing the Registrar of the High Court to furnish the Court with a copy of the minute of conviction and sentence of the applicant and to serve on the Director of Public Prosecutions a copy of the orders, the notice of appeal and the minute of conviction and sentence.

Case Name:

1. Gregory Gilpin-Payne
2. International Investments &
Consulting Ltd

v

1. Stephen First
2. Corporate Capital
(Asia) Ltd

[SKBHCVAP2019/0041]
(Saint Christopher and Nevis)

Date:

Tuesday, 18th February 2020

Appearances:

Applicant: Mr. D. Victor C. Elliott Hamilton

Issues:

Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall, within 21 days of the date of this order, take the necessary steps to provide the Court with a copy of the order of Ventose J dated 17th October 2019 for which the applicants seek leave to appeal.

2. The hearing of the application for leave to appeal is adjourned to the Chamber Hearing of this Court scheduled for 17th March 2020.

Reason: The Court noted the orders of Thom and Blenman JJA dated 17th December 2019 and 21st January 2020 by which the applicants/intended appellants were ordered to file a copy of the order of Ventose J within 14 days of the date of the orders. The Court also noted the reasons advanced by the applicants have advanced for their non-compliance with the orders of Thom and Blenman JJA set out in their affidavit of non-compliance with the orders of Thom and Blenman JJA.

Case Name: Shawn Richards
v
Nigel Carty
[SKBHCVAP2019/0021]
(Saint Christopher and Nevis)

Date: Tuesday, 18th February 2020

Appearances:
Appellant: Byron & Byron
Respondent: Law Offices of Sylvester Anthony

Issues: Application for stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:
The application for a stay of execution of the order of Ventose J dated 15th April 2019 pending the determination of the appeal is hereby dismissed.

Reason: The Court was mindful of the principles relevant to the grant of a stay pending appeal and formed the view that the applicant's affidavit in support of the application is

wholly inadequate and accordingly, failed to provide a cogent evidential basis for a favourable exercise of discretion to grant a stay. Further, that it could not be said, on the evidence, that there was a risk of injustice to the applicant if the stay were refused or that the appeal would be stifled if the stay were refused.

Case Name:

Lynnis Macsheen

v

Oliver Macsheen

[SKBMCVAP2019/0003]

(Saint Christopher and Nevis)

Date:

Tuesday, 18th February 2020

Issues:

Application for stay of execution

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall, within 14 days, provide this Court with proof of personal service on the respondent of the notice of application, affidavit in support and exhibits.**
- 2. The matter is adjourned to next Chamber Hearing of this Court scheduled for 17th March 2020.**

Reason:

The Court noted the affidavit of service purporting to evidence service of the application on the respondent and took the view that the appellant had not engaged the appropriate procedure under the Civil Procedure Rules 2000 to dispense with the requirement for personal service on the respondent.

Case Name:

Lynnis Macsheen

v

Oliver Macsheen

SKBMCVAP2019/0004]

(Saint Christopher and Nevis)

Date: Tuesday, 18th February 2020

Issues: Application for stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall, within 14 days, provide this Court with proof of personal service on the respondent of the notice of application, affidavit in support and exhibits.
2. The matter is adjourned to next Chamber Hearing of this Court scheduled for 17th March 2020.

Reason: The Court noted the affidavit of service purporting to evidence service of the application on the respondent and took the view that the appellant had not engaged the appropriate procedure under the Civil Procedure Rules 2000 to dispense with the requirement for personal service on the respondent.

Case Name: Bank of Saint Lucia Limited
v
1. La Marie Food Group (St. Lucia)
2. Deluxe Dry Cleaners (St. Lucia) Limited
3. KFC St. Lucia Company Limited
4. Philmore Davis
5. Wendy Davis
[SLUHCVAP2019/0028]
(Saint Lucia)

Date: Tuesday, 18th February 2020

Appearances:
Applicant: Mr. Peter A. Marshall

Respondent: Deterville Thomas & Co

Issues: Application for leave to appeal – Application for stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:
The application for leave to appeal and a stay of execution of the order of Cenac-Phulgence J dated 31st October 2019 shall be set down for hearing before the Full Court at the next sitting of the Court of Appeal in Saint Lucia scheduled for the week commencing 9th March 2020.

Reason: The Court noted rule 62.2(5) of the Civil Procedure Rules 2000 and made the orders set out above.

Case Name: The Attorney General of Saint Lucia
v

1. Godfrey Ferdinand
2. Tamar Ferdinand
Acting Herein by her
Next Friend Godfrey
Ferdinand
[SLUHCVP2018/0032]
(Saint Lucia)

Date: Tuesday, 18th February 2020

Appearances:

Appellant: The Attorney General

Respondent: Gordon & Gordon Co.

Issues: Application for extension of time to file skeleton arguments

Result / IT IS HEREBY ORDERED THAT:

Order:

1. The time for the appellant to file skeleton arguments is extended to 12th February 2020.
2. The skeleton arguments filed by the appellant on 12th February 2020 are deemed properly filed.
3. The appellant shall, within 7 days of this order, provide proof of service on the respondents of the skeleton arguments filed on 12th February 2020.

Reason: The Court noted that there is no proof that the application was served on the respondents.

Case Name:

R.G. Investments Inc.
v
Comptroller of Customs and Excise
[SLUHCVAP2020/0001]
(Saint Lucia)

Date: Tuesday, 18th February 2020

Appearances:

Appellant: Alberton Richelieu Chambers

Respondent: The Attorney General

Issues: Application for stay of execution

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for a stay of execution pending the determination of this appeal is granted in respect only of the Forfeiture and Condemnation Order made by Cenac-Phulgence J on 5th December 2019.
2. The application for a stay of execution of the Costs Order made by Cenac-Phulgence J on 5th December 2019 is refused.

Reason: The application for a stay concerned a forfeiture and condemnation order made by Cenac-Phulgence J as well as the costs order made by the learned judge. The Court noted that the respondent did not object to imposition of

stay in respect of the forfeiture and condemnation order. The Court considered that the appellant had not met the requirements for the grant of a stay of execution in respect of the costs order.

Case Name: Anne Margaret Henry
v
Dr. Horatius Jeffers
[SLUHCVAP2019/0010]
(Saint Lucia)

Date: Tuesday, 18th February 2020

Appearances:
Application: Ms. Sueanna Frederick
Respondent: Chong & Co Chambers

Issues: Application for extension of time to file skeleton arguments

Result / Order: IT IS HEREBY ORDERED THAT:
1. The respondent is granted an extension of time to 23rd January 2020 to file skeleton arguments.
2. The skeleton arguments filed by the respondent on 23rd January 2020 are deemed properly filed.
3. The matter shall proceed in accordance with the Civil Procedure Rules 2000.

Reason: The Court was satisfied that no prejudice will be occasioned by the grant of an extension of time to file skeleton arguments and granted the application.

Case Name: 1. Raphael Charlemagne
2. Marilyn Martin aka Marilyn Charlemagne
v
1. The Attorney General

**2. Saint Lucia National Housing
Corporation, formerly St. Lucia
Housing Authority
[SLUHCVAP2019/0025]
(Saint Lucia)**

Date: Tuesday, 18th February 2020

Appearances:
Applicants: Ms. Natalie DaBreo

Issues: Application for leave to appeal

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

1. The Registrar of the High Court is directed to take the necessary steps to obtain from Godfrey Smith J the reasons for his order dated 31st October 2019 within 14 days of the date of this order.
2. Upon receipt of the reasons for decision, the Registrar shall serve the applicant with a copy of the reasons for decision immediately and shall provide proof of service thereafter.
3. The application for leave to appeal is adjourned to the next Chamber Hearing of this Court scheduled for 17th March 2020.

Reason: The Court noted that there was no evidence of compliance with the order of Blenman JA dated 21st January 2020 by which the Registrar of the High Court was directed to take the necessary steps to obtain the order of Godfrey Smith J for which leave to appeal is being sought, and to provide the court with a copy of the order within 14 days.

Case Name:

1. Richard Frederick
2. Almus Mcdowall trading as
Mcdowall Broadcasting
Corporation

Agnes Francis

**[SLUHCVAP2019/0024]
(Saint Lucia)**

Date: Tuesday, 18th February 2020

Appearances:
Applicants: Mr. Horace Fraser

Issues:

**Result /
Order:** IT IS HEREBY ORDERED THAT:
The application for leave to appeal the order of Godfrey Smith J dated 2nd October 2019 shall be set down for hearing before the Full Court at the next sitting of the Court of Appeal in Saint Lucia scheduled for the week commencing 9th March 2020.

Reason: The Court was mindful of rule 62.2(5) of the Civil Procedure Rules 2000 and made the order above.

Case Name: Justina Samuel
v
Bank of Saint Lucia Limited
**[SLUHCVAP2019/0022]
(Saint Lucia)**

Date: Tuesday, 18th February 2020

Appearances:
Applicant: Mr. Leevie Herelle

Issues: Application for leave to appeal

**Result /
Order:** IT IS HEREBY ORDERED THAT:
1. The Registrar of the High Court shall provide this Court with a copy of the decision of St. Rose-

Albertini J dated 2nd August 2019 and re-issued on 16th August 2019, within 14 days of the date of this order.

2. Upon receipt of the reasons for decision, the Registrar shall serve the applicant with a copy of the decision immediately and shall provide proof of service thereafter.
3. The application for leave to appeal is adjourned to the next Chamber Hearing of this Court scheduled for 17th March 2020.

Reason:

The Court noted there was no evidence of compliance with the orders of Blenman JA, Webster JA [Ag.], Thom JA and dated 22nd October 2019, 19th November 2019 and 17th December 2019 and respectively, directing the applicant to provide this Court with a copy of the decision of St. Rose-Albertini J, and the order of Blenman JA dated 21st January 2020 by which the Registrar of the High Court was directed to provide this Court with a copy of the decision of St. Rose-Albertini J.

Case Name:

Ferdinand James

v

1. Planviron (Caribbean Practice) Limited

2. Rodney Bay Marina Limited

[SLUHCVP2017/0050]

(Saint Lucia)

Date:

Tuesday, 18th February 2020

Appearances:

Appellant: George & Co.

Respondent: Floissac Fleming & Associates

Issues:

Application for extension of time within which to file a supplementary affidavit in support of notice of motion for

leave to appeal to Her Majesty in Council

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The applicant shall provide proof of service of the application for an extension of time within which to file a supplementary affidavit in support of the notice of motion for leave to appeal to Her Majesty in Council within 7 days of the date of this order.
2. The application for an extension of time within which to file a supplementary affidavit in support of notice of motion for leave to appeal to Her Majesty in Council is adjourned for further consideration by the Full Court at the next sitting of the Court of Appeal in Saint Lucia during the week commencing 9th March 2020.

Reason:

The Court noted there was no proof of service of the application for an extension of time within which to file a supplementary affidavit in support of notice of motion for leave to appeal to Her Majesty in Council.

Case Name:

Annie Edwards

v

Lanieke Delpesche

[SVGMCVAP2019/0009]

(Saint Vincent and The Grenadines)

Date:

Tuesday, 18th February 2020

Appearances:

Applicant: Ms. Michelle N. Fife

Issues:

Application for leave to appeal out of time

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The applicant shall furnish the Court with a copy of the decision of the Chief Magistrate of which leave

to appeal is sought within 14 days of the date of this order.

2. The applicant shall serve a copy of the notice of application for leave to appeal out of time on the respondent and file proof of service thereof within 14 days of this order.
3. The application for leave to appeal out of time against the decision of the learned judge is adjourned to the next chamber hearing of the Court scheduled for 17th March 2020.

Reason: The Court noted that a copy of the decision of the Chief Magistrate Rechenne Browne-Matthias was not attached to the application for leave to appeal.

Case Name: **Recardo Bascombe**
v
Alinda Harry
[SVGMCVAP2019/0010]
(Saint Vincent and The Grenadines)

Date: Tuesday, 18th February 2020

Appearances:
Applicant: Ms. Michelle N. Fife

Issues: Application for leave to appeal out of time

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

1. The applicant shall file a copy of the decision of the Chief Magistrate of which leave to appeal is sought within 14 days of the date of this order.
2. The applicant shall serve a copy of the notice of application for leave to appeal out of time on the respondent and file proof of service thereof within 14 days of this order.
3. The application for leave to appeal out of time against the decision of the learned judge is adjourned to the next chamber hearing of the Court scheduled for 17th March 2020.

Reason: The Court noted that a copy of the decision of the Chief

Magistrate Rechenne Browne-Matthias in relation to which leave to appeal out of time was sought was not attached to the application for leave to appeal.

Case Name: Metrocint General Insurance Company Limited
v
1. Mercedes Delplesche
2. Samuel Deroche
[SVGHCVAP2019/0019]
(Saint Vincent and The Grenadines)

Date: Tuesday, 18th February 2020

Appearances:
Applicant: Mr. Duane A. Daniel

Issues: Application for relief from sanctions and for extension of time to file a notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The appellant shall provide this Court with proof of service of the application for relief from sanctions and for extension of time on the respondents within 14 days of the date of this order.
2. The application for relief from sanctions and for the extension of time is adjourned for further consideration to the next chamber hearing of this Court scheduled for 17th March 2020.

Reason: The Court noted that there was no evidence of compliance with the order of Blenman JA dated 23rd January 2020 directing the applicant to provide this Court with proof of service of the application for relief from sanctions and for extension of time on the respondents.

Case Name: Shelly McIntosh aka Shelly Garraway
v
Gretel John
[SVGHCRAP2019/0020]
(Saint Vincent and The Grenadines)

Date: Tuesday, 18th February 2020

Appearances:

Appellant: Ms. A. Anique Cummings

Issues:

Application for an extension of time to serve the notice of appeal on the respondent – Application for permission under rule 7.3 of the Civil Procedure Rules 2000 to serve respondent with the notice of appeal outside of the jurisdiction

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The matter is removed from the chamber hearing list.
2. The appellant is at liberty to apply for a further extension of time to serve the notice of appeal out of time if the need arises.

Reason:

The Court noted that this application was heard by a single judge at the last chamber hearing and that single judge's order determined the application.

Case Name:

**Travis Williams
v
The Queen
[SVGHCRA2019/0028]
(Saint Vincent and The Grenadines)**

Date:

Tuesday, 18th February 2020

Appearances:

Applicant: In person

Issues:

Leave to appeal against sentence

**Result /
Order:**

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide this Court with proof of service of the application for leave to appeal on the Director of Public Prosecutions within 14 days of the date of this order.
2. The Registrar of the High Court shall provide this

Court with a copy of the minute of conviction and sentence of the applicant within 14 days of the date of this order.

3. The Registrar of the High Court shall serve a copy of the minute of conviction and sentence on the applicant and the Director of Public Prosecutions and provide this Court with proof of service of the same within 14 days of the date of this order.
4. The application for leave to appeal against sentence is adjourned for further consideration to the next chamber hearing of the Court scheduled for 17th March 2020.

Reason:

The Court noted that there was no proof of service of the application for leave to appeal on the Director of Public Prosecutions and that the minute of conviction and sentence of the applicant was not attached to the application.

Case Name:

**Simon Hoyte
v
The Queen
[SVGHCRAP2016/0008]
(Saint Vincent and The Grenadines)**

Date:

Tuesday, 18th February 2020

Appearances:

Appellant: In person

Issues:

Application for bail pending appeal

**Result /
Order:**

[Oral Delivery]

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve a copy of the minute of conviction and sentence of the appellant on the Director of Public Prosecutions on or before 6th March 2020.

2. The Registrar of the High Court shall furnish this Court with proof of service of the minute of conviction and sentence of the appellant on the Director of Public Prosecutions on or before 13th March 2020.
3. The Registrar of the High Court shall serve a copy of the notice of application for bail pending appeal on the appellant on the Director of Public Prosecutions on or before 6th March 2020.
4. The Registrar of the High Court shall furnish this Court with proof of service of the application for bail pending appeal on the Director of Public Prosecutions on or before 13th March 2020.
5. The application for bail pending appeal is adjourned for further consideration to the next chamber hearing of this Court scheduled for 17th March 2020.

Reason:

The Court noted that there was no evidence of service of the minute of conviction and sentence of the appellant filed on 30th May 2018 on the Director of Public Prosecutions and the application for bail pending appeal on the Director of Public Prosecutions.

Case Name:

**Emerson Delpleche
v
The Queen
[SVGHCRAP2018/0006]
(Saint Vincent and The Grenadines)**

Date:

Tuesday, 18th February 2020

Appearances:

Appellant: In person

Issues:

Application for bail pending appeal

Result /

IT IS HEREBY ORDERED THAT:

Order:

1. The Registrar of the High Court shall serve a copy of the application for bail pending appeal on the Director of Public Prosecutions and provide proof of service within 14 days of the date of this order.
2. The application for bail pending appeal is adjourned for further consideration at the next chamber hearing scheduled for 17th March 2020.

Reason:

The Court noted that there was no evidence of compliance the order of Blenman JA dated 21st January 2020 directing that the Registrar of the High Court to serve a copy of the application for bail pending appeal on the Director of Public Prosecutions and to provide proof of service.

Case Name:

C.O Williams Construction Limited

v

[1] Carenage Bay Holdings Limited

[2] CCA Limited

[SVGHC RAP2019/0021]

(Saint Vincent and The Grenadines)

Date:

Tuesday, 18th February 2020

Appearances:

Applicant:

S.E. Commissiong & Co.

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 judgment of Master Rickie Burnett dated 7th November 2019 within 14 days of the date of this order.
2. The application for leave to appeal is adjourned for further consideration to the next chamber hearing of this Court scheduled for 17th March 2020.

Reason:

The Court noted that there was no evidence of

compliance with the order of Blenman JA dated 21st January 2020 directing that the applicant provide this Court with a copy of the judgment of Master Rickie Burnett dated 7th November 2019 within 14 days of that order.

Case Name:

**Sturnimus Wiseman
v
Marva Bushay
(The Legal Personal Representative of the
Estate of Aaron Bushay, Deceased)**

**[SVGMCVAP2018/0006]
(Saint Vincent and the Grenadines)**

Date:

Tuesday, 18th February 2020

Appearances:

Appellant: Ms. Samantha V. Robertson

Respondent: In person

Issues:

Application to strike out notice of appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application to strike out the notice of appeal shall be set down for hearing before the full Court at the next sitting of the Court of Appeal in Saint Vincent and the Grenadines scheduled for the week commencing 24th February 2020.

Reason:

The Court took the view that the application ought to be considered by the Full Court.

Case Name:

**Global Ocean Transport Inc.
v
Dwight Flax for Ebony and Ivory Construction
[BVIHCMAP2017/0006]
(Territory of the Virgin Islands)**

Date: Tuesday, 18th February 2020

Appearances:

Appellant: Alliance Law Partnership Ltd.

Respondent: Sabals Law

Issues: Application to be removed from record as legal practitioner

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The applicant shall provide this Court with proof of service of the notice of application to be removed from the record as legal practitioners on the appellant and the respondent within 14 days of the date of this order.
2. The applicant shall provide this Court with proof of service of the affidavit in support of the application on the appellant within 14 days of the date of this order.
3. The application to be removed from the record as legal practitioners is adjourned for further consideration to the next Chamber Hearing of this Court scheduled for 17th March 2020.

Reason:

The Court noted that there is no proof of service of the application to be removed from the record as legal practitioners on the appellant and the respondent in accordance with rule 63.6 of the Civil Procedure Rules 2000.

Case Name:

The Attorney General of the Virgin Islands

v

**The Secretary of State for Foreign and
Commonwealth Affairs of the United Kingdom of
Great Britain and Northern Ireland
[BVIHCVAP2019/0008]
(Territory of the Virgin Islands)**

Date: Tuesday, 18th February 2020

Appearances:
Appellant: The Attorney General

Issues: Application for an order extending time to serve the fixed date claim form

Result /
Order: IT IS HEREBY ORDERED THAT:
The time period for serving the Fixed Date Claim Form filed by the appellant on 8th March 2019, in claim BVIHCV2019/0063 is extended by 6 months to 7th September 2020.

Reason: The substantive appeal is against an order refusing permission to serve a fixed date claim form outside the jurisdiction. The Court was satisfied that special reasons exist for extending the period within which the claim form may be served.