

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
CHAMBER HEARING

Tuesday, 21st April 2020

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mr. Mario Michel, Justice of Appeal

Case Name: Juan Guishard
v
Antigua Port Authority
[ANUHCVP2020/004]
(Antigua and Barbuda)

Date: Tuesday, 21st April 2020

On paper:

Appellant: Ms. C. Debra Burnette

Respondent: Mr. Craig L. Jacas

Issues: Application for extension of time to file notice of opposition

Result / Order: IT IS HEREBY ORDERED THAT:

1. The respondent is granted an extension of time within which to file a notice of objection to the appeal.
2. The notice of objection to the appeal filed on 21st February 2020 is hereby deemed properly filed.

Reason: The Court was satisfied that the respondent had met the requirements for the grant of an extension of time within which to file a notice of objection.

Case Name:

[1] Tom Matthews
[2] Teresia Matthews
v
Linde Antigua Limited

[ANUHCVP2020/0006]
(Antigua and Barbuda)

Date: Tuesday, 21st April 2020

On paper:

Applicants: Dr. David Dorsett

Issues: Application for Leave to Appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicants shall provide this Court with the perfected order of Robertson J made on 17th February 2020 within 21 days of the date of this order.
2. The application for leave to appeal is adjourned for further consideration at the next Chamber Sitting of this Court scheduled for 19th May 2020.

Reason: The Court noted that the perfected order of Robertson J made on 17th February 2020 which the applicants sought leave to appeal was not attached to the application.

Case Name:

**Dante Tagliaventi
v
The Director of the Office of the National Drug and
Money Laundering Control**

**[ANUHCVP2020/0008]
(Antigua and Barbuda)**

Date:

Tuesday, 21st April 2020

On paper:

Applicant: Mr. Hugh C. Marshall Jnr

Issues:

Application for Leave to Appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted leave to appeal the order of Morley J made on 18th February 2020 for which a written ruling was delivered on 20th February 2020.**
- 2. 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 for the grant of leave to appeal.

Case Name:

**Trevon Francis
v
The Queen**

**[ANUHCRA2019/0027]
(Antigua and Barbuda)**

Date: Tuesday, 21st April 2020

On paper:

Applicant: Mr. Lawrence Daniels

Respondent: The Director of Public Prosecutions

Issues: Application for Leave to Appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall, within 21 days of the date of this order, serve on the Director of Public Prosecutions a copy of the application for leave to appeal out of time and provide this Court with proof of such service.
2. The Registrar of the High Court shall, within 21 days of the date of this order, provide this Court with a copy of the minute of conviction and sentence of the applicant, serve a copy on the Director of Public Prosecutions and provide proof of service thereafter.
3. The application for leave to appeal out of time is adjourned for further consideration at the next Chamber Sitting of the Court scheduled for 19th May 2020.

Reason: The Court noted that there was no evidence of compliance with the order of Baptiste JA dated 18th February 2020 or evidence of service on the Director of Public Prosecutions of the application for leave to appeal out of time.

Case Name:

**Anderson Carty
V
Gentiste Christian**

[ANUMCVAP2019/0005]

(Antigua and Barbuda)

Date: Tuesday, 21st April 2020

On paper:

Applicant: Self-represented

Respondent: Self-represented

Issues: Application for extension of time to appeal

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

The application for an extension of time within which to appeal is adjourned for consideration at the next Chamber Sitting of the Court scheduled for 19th May 2020.

Case Name: Jeffrey Redhead

v

Leslyn Isaacs

**[GDAHCVAP2020/0001]
(Grenada)**

Date: Tuesday, 21st April 2020

On paper:

Applicant: Mr. Anselm B. Clouden

Respondent: Ms. Pauline Hannibal

Issues: Application for extension of time to file and serve notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:

The application for an extension of time to apply for leave to appeal against the order of Godfrey Smith J dated 24th May 2019, the subsequent order of Actie J dated 6th December 2019 and the default judgment entered on 20th September 2019 is adjourned for further consideration at the next Chamber Sitting of the Court scheduled for 19th May 2020.

Reason: Counsel for the applicant via email correspondence dated 20th April 2020 sought an adjournment of the application for an extension of time and provided reasons for the request for the adjournment. The Court being satisfied with these reasons, acceded to the applicant's request for an adjournment.

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, 21st April 2020

On paper:

Appellants: Mr. Jerry Edwin

Issues:

Ex parte application for stay of execution of the order of the court pending determination of appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The interim stay of execution of the order of Glasgow J dated 30th September 2019 is hereby extended until 19th May 2020.**
- 2. The appellants shall, within 14 days of the date of this order, serve on the respondents a copy of this order and the application for a stay of execution and supporting documents and shall provide this Court with proof of service.**
- 3. The application for a stay of execution of the order of Glasgow J is adjourned for further consideration at the next Chamber Sitting of this Court scheduled for 19th May 2020.**

Reason:

The Court upon taking the view that it was likely that the appeal would be rendered nugatory if an interim stay of execution of the order of Glasgow J was not imposed and upon being satisfied that it was in the interest of justice to continue the interim stay of execution pending an inter partes hearing of the application, extended the interim stay of execution.

Case Name:

**Issac Joseph
(Demise Charterer of M/V “Isabella B.”)**

Matthew Blair

**[GDAHCVAP2019/0009]
(Grenada)**

Date: Tuesday, 21st April 2020

On paper:

Appellant:

Respondent:

Issues: Application to vary the order of judge to permit applicant to file and serve the notice of appeal – Application for relief from sanctions

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

The application to vary the order of Blenman JA dated 22nd October 2019 and for relief from sanctions is adjourned for consideration at the next Chamber Sitting of the Court scheduled for 19th May 2020.

Case Name: [1] Jhawnie Gage
[2] Arah Paula Cecil Davis
[3] Edgar Augustus Peltier

v

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

**[DOMHCVAP2020/0005]
(Commonwealth of Dominica)**

Date: **Tuesday, 21st April 2020**

On paper:

Applicants: **Ms. Gina Dyer Munro**

Respondent: **Ms. Tameka Burton**

Issues: **Application for leave to appeal**

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

The application for leave to appeal against the judgment of Stephenson J dated 5th January 2020 is hereby adjourned for further consideration at the next Chamber Sitting of the Court scheduled for 19th May 2020.

Reason: **Counsel for the applicants via email correspondence dated 17th April 2020 sought an adjournment of the application for leave to appeal and provided reasons for the request for the adjournment. The Court being satisfied with the reasons provided, acceded to the applicants' request for adjournment.**

Case Name: **Isiah Stevens**

v

**Chief Magistrate
[DOMMCVAP2019/0007]
(Commonwealth of Dominica)**

Date: **Tuesday, 21st April 2020**

On paper:

Appellant: **Norde and Lambert Chambers**

Respondent: The Chief Magistrate

Issues: Application for an extension of time to file a notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:

The application for an extension of time to file a notice of appeal is adjourned for consideration at the next Chamber Sitting of the Court scheduled for 19th May 2020.

Case Name: Stephen Molyneaux

v

- [1] Her Majesty's Prison**
- [2] His Excellency the Governor, Mr. Andrew Pearce**
- [3] Superintendent of Prisons, Mr. Bennet Kirwan**
- [4] Head of Function, Mr. Eustace Allen**

**[MNIHCVAP2019/0010]
(Montserrat)**

Date: Tuesday, 21st April 2020

On paper:

Appellant: Self-represented

Respondent: The Director of Public Prosecutions

Issues: Application to amend notice of appeal

Result / IT IS HEREBY ORDERED THAT:

Order:

The application to amend the notice of appeal is adjourned for consideration at the next Chamber Sitting of the Court scheduled for 19th May 2020.

Case Name:

Keston Riley
v
[1] The Attorney General
[2] The Director of Public Prosecutions

[MNIHCVAP2019/0005]
(Montserrat)

Date:

Tuesday, 21st April 2020

On paper:

Appellant: Mr. Warren Cassell
Respondent: The Attorney's General Chambers for the 1st Respondent

Issues:

Application to strike out appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application to strike out the notice of appeal is adjourned for further consideration at the next Chamber Sitting of this Court scheduled for 19th May 2020.

Case Name:

**[1] Adam Bilzerian
[2] Lemon Grove Company Limited
[3] Caribbean Building System (St. Kitts)
Limited**

v

**[1] Terrence V. Byron
[2] Byron & Byron
[3] Kevin Horstwood**

**[SKBHCVAP2020/0003]
(Federation of Saint Christopher and Nevis)**

Date:

Tuesday, 21st April 2020

On paper:

Applicants: Mr. Dane Elliott-Hamilton

Issues:

Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicants shall furnish this Court with a sealed and perfected copy of the order of Ventose J dated 30th January 2020 within 21 days of the date of this order.**
- 2. The application for leave to appeal the order of Ventose J dated 30th January 2020 is adjourned for further consideration at the next Chamber Sitting of this Court scheduled for 19th May 2020.**

Reason:

The Court upon noting that a sealed and perfected copy of the order of Ventose J dated 30th January 2020 was not attached to the application, adjourned the application for further consideration at the next Chamber Sitting of this

Court scheduled for 19th May 2020.

Case Name:

**[1] Lindsay F.P. Grant
[2] Jonel F.H. Powell**

v

**Tanzania Tobin Tanzil
[SKBHCVAP2020/0004]
(Federation of Saint Christopher and Nevis)**

Date:

Tuesday 21st April 2020

On paper:

Applicants: Mr. Daniel Brantley

Respondent: Mrs. Angelina Gracy Sookoo-Bobb

Issues:

Application seeking an extension of time – Application for stay of execution

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicants shall furnish this Court with a copy of the judgment of Ventose J dated 28th October 2019 within 21 days of the date of this Order.**
- 2. The application for an extension of time within which to appeal against the judgment of Ventose J dated 28th October 2019 and for a stay of execution is adjourned for further consideration at the next Chamber Sitting of this Court scheduled for 19th May 2020.**

Reason:

The Court upon noting that a copy of the judgment of Ventose J dated 28th October 2019 was not attached to the application, sought to adjourn the matter.

Case Name:

**[1] Exclusive Retreats Limited
[2] Kevin Andrew Horstwood**

v

**First Caribbean International Bank (Barbados)
Limited**

**[SKBHCVAP2020/0008]
(Federation of Saint Christopher and Nevis)**

Date:

Tuesday, 21st April 2020

On paper:

Applicant

Byron & Byron Chambers

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 25th February 2020 is dismissed, leave to
appeal not being required.**

Reason:

**The Court being mindful that leave to appeal against the
grant or refusal of an injunction was not required pursuant
to section 33(3)(g)(ii) of the Eastern Caribbean Supreme
Court (Saint Christopher and Nevis) Act dismissed the
application.**

Case Name:

Andrew Hendrickson

v
Joyah Hendrickson

[NEVHCVAP2020/0002]
(Federation of Saint Christopher and Nevis)

Date: **Tuesday, 21st April 2020**

On paper:

Applicant: **Ms. Patrice D. Nisbett**

Respondent: **Ms. Marsha T. Henderson**

Issues: **Application seeking an extension of time within which to file notice of appeal – Application for stay of execution of the judgment**

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

- 1. The application for an extension of time to file the notice of appeal is granted.**
- 2. The notice of appeal filed on 5th February 2020 is deemed properly filed.**
- 3. The applicant is granted a stay of execution of the orders contained in the judgment of Williams J dated 29th November 2019 pending the hearing and determination of the appeal.**

Reason: **The Court having regard to the principles on which a stay of execution may be granted as established by this Court in the case of C-Mobile Services Ltd v Huawei Technologies Co. Ltd [BVIHCMAP2014/0017] and upon being satisfied that in the circumstances of the case, there was a greater risk of injustice to the applicant if the stay was not granted, granted the applications.**

Case Name:

**[1] Adam Bilzerian
[2] Lemon Grove Company Limited
[3] Caribbean Building System (St. Kitts)
Limited**

v

**[1] Terrence V. Byron
[2] Byron & Byron
[3] Kevin Horstwood**

**[SKBHCVAP2019/0032]
(Federation of Saint Christopher and Nevis)**

Date:

Tuesday, 21st April 2020

On paper:

Appellants: Mr. D. Victor Elliot-Hamilton

**Respondents: Mr. Terrence V. Byron for the Second and Third
Respondents**

Issues:

**Application seeking leave to admit fresh evidence-
Application for stay of the proceedings**

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for a stay of proceedings pending the determination of the interlocutory appeal is granted.**
- 2. The application for leave to adduce fresh evidence shall be set down for hearing before the Full Court at the next sitting of the Court of Appeal in Saint Christopher and Nevis during the week commencing 8th June 2020.**

Reason:

The Court having regard to principles on which a stay of proceedings may be granted, as established by this Court in the case of C-Mobile Services Ltd v Huawei Technologies Co. Ltd [BVIHCMAP2014/0017], and in particular that the appeal would in this case be rendered nugatory if a stay was refused, and upon being satisfied that the appellants met the threshold for the grant of a stay of proceedings, the Court granted the application.

The Court upon taking the view that the application for leave to admit fresh evidence raised issues which merited the consideration of the Full Court, set it down for hearing at the next sitting of the Court of Appeal in the Federation of Saint Christopher and Nevis.

Case Name:

Adam Bilzerian

v

[1] Gerald Lou Weiner

[2] Kathleen Weiner

[SKBHCVAP2019/0033]

(Federation of Saint Christopher and Nevis)

Date:

Tuesday, 21st April 2020

On paper:

Appellant: Mr. D. Victor Elliot- Hamilton

Respondents: Ms. Jean Dyer

Issues:

Application for leave to admit fresh evidence- Application for stay of proceedings

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The appellant is granted leave to file an affidavit in response to respondents' affidavit in opposition to**

the application.

2. The appellant shall, within 21 days of the date of this order, file and serve an affidavit in response to the affidavit in opposition to the application.
3. The application for a stay of proceedings and for leave to admit fresh evidence is adjourned for further consideration at the next Chamber Sitting of this Court scheduled for 19th May 2020.

Reason:

The Court upon reading the written submissions filed on 20th April 2020 in opposition to the application and upon taking the view that an opportunity should be afforded to the appellant to reply to the respondents' affidavit in opposition to the application, granted leave to file an affidavit in response to respondents' affidavit in opposition to the application.

Case Name:

[1] Gregory Gilpin-Payne
[2] International Investment & Consulting Ltd

v

[1] Stephen First
[2] Corporate Capital (Asia) Ltd

[SKBHCVAP2019/0028]
(Federation of Saint Christopher and Nevis)

Date:

Tuesday, 21st April 2020

On paper:

Applicants: Mr. D. Victor Elliott-Hamilton

Respondents: Ms. Vanessa Fennel

Issues:

Application for leave to admit fresh evidence – Application for stay of proceedings

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for a stay of proceedings pending the determination of the interlocutory appeal is granted.**
- 2. The application for leave to adduce fresh evidence shall be set down for hearing before the Full Court at the next sitting of the Court of Appeal in Saint Christopher and Nevis during the week commencing 8th June 2020.**

Reason:

The Court upon having regard to the principles on which a stay of proceedings may be granted, as established by this Court in the case of C-Mobile Services Ltd v Huawei Technologies Co. Ltd [BVIHCMAP2014/0017], and in particular that the appeal would in this case be rendered nugatory if a stay was refused, and upon being satisfied that the appellants met the threshold for the grant of a stay of proceedings, granted the application for a stay of proceedings of the interlocutory appeal.

The Court upon taking the view that the application for leave to admit fresh evidence raised issues which merited the consideration of the Full Court, accordingly, set the matter down for hearing at the next sitting of the Court of Appeal in the Federation of Saint Christopher and Nevis.

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, 21st April 2020

On paper:

Appellant: Mr. D. Victor C. Elliott- Hamilton

Respondents: Ms. Miselle O'Brien

Issues:

Application for stay of proceedings pending determination of interlocutory appeal – Application for leave to adduce fresh evidence

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application for a stay of proceedings pending the determination of the interlocutory appeal is granted.
2. The application for leave to adduce fresh evidence shall be set down for hearing before the Full Court at the next sitting of the Court of Appeal in Saint Christopher and Nevis during the week commencing 8th June 2020.

Reason:

The Court having regard to the principles on which a stay of proceedings may be granted, as established by this Court in the case of C-Mobile Services Ltd v Huawei Technologies Co. Ltd [BVIHCMAP2014/0017], and in particular that the appeal would in this case be rendered nugatory if a stay is refused and upon being satisfied that the appellant has met the threshold for the grant of a stay of proceedings, granted the application.

The Court upon taking the view that the application for leave to admit fresh evidence raised issues which merited the consideration of the Full Court, accordingly, set the matter down for hearing Court at the next sitting of the Court of Appeal in the Federation of Saint Christopher and Nevis.

Case Name:

Adam Bilzerian

v

Kevin Horstwood

[SKBHCVAP2019/0030]

(Federation of Saint Christopher and Nevis)

Date: Tuesday, 21st April 2020

On paper:

Appellant: Mr. D. Victor C. Elliott-Hamilton

Respondent: Mr. Terrence V. Byron

Issues: Application for a stay of the proceedings- Application for leave to admit fresh evidence

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for a stay of proceedings pending the determination of the interlocutory appeal is granted.
2. The application for leave to adduce fresh evidence shall be set down for hearing before the Full Court at the next sitting of the Court of Appeal in Saint Christopher and Nevis during the week commencing 8th June 2020.

Reason: The Court having regard to the principles on which a stay of proceedings may be granted, as established by this Court in the case of C-Mobile Services Ltd v Huawei Technologies Co. Ltd [BVIHCMAP2014/0017], and in particular that the appeal would in this case be rendered nugatory if a stay is refused and upon being satisfied that the appellant has met the threshold for the grant of a stay of proceedings, granted the application.

The Court upon taking the view that the application for leave to admit fresh evidence raised issues which merited

the consideration of the Full Court, accordingly, set the matter down for hearing Court at the next sitting of the Court of Appeal in the Federation of Saint Christopher and Nevis.

Case Name:

**[1] Keyapaha International Ltd
[2] Dan Bilzerian**

v

**[1] Laura Getz
[2] Robert Getz
[3] Victor Doche
[4] Vistas International, LLC**

**[SKBHCVAP2019/0031]
(Federation of Saint Christopher and Nevis)**

Date:

Tuesday, 21st April 2020

On paper:

Appellant: Mr. D. Victor Elliot- Hamilton

Respondent: Mr. Sylvester Anthony

Issues:

Application for leave to admit fresh evidence – Application for stay of proceedings

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for a stay of proceedings pending the determination of the interlocutory appeal is granted.**
- 2. The application for leave to adduce fresh evidence shall be set down for hearing before the Full Court at the next sitting of the Court of Appeal in Saint Christopher and Nevis during the week**

commencing 8th June 2020.

Reason:

The Court having regard to the principles on which stay of proceedings may be granted, as established by this Court in the case of C-Mobile Services Ltd v Huawei Technologies Co. Ltd [BVIHCMAP2014/0017], and in particular that the appeal would in this case be rendered nugatory if a stay is refused and upon being satisfied that the appellants have met the threshold requirements for the grant of a stay of proceedings, granted the application.

The Court upon taking the view that the application for leave to admit fresh evidence raised issues which merited the consideration of the Full Court, sought to adjourn the application.

Case Name:

Derrick Hazel

v

**Karen Hill-Hector
[SKBMCRAP2020/0001]
(Federation of Saint Christopher and Nevis)**

Date:

Tuesday, 21st April 2020

On paper:

Applicant: Self-represented

Respondent: The Director of Public Prosecutions

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 decision of Magistrate Karen Hill-Hector dated 3rd January 2020 within 21 days of the date of this order.**

2. The application for leave to appeal is adjourned for further consideration at the next Chamber sitting of this Court scheduled for 19th May, 2020.

Reason: The Court noted that the applicant failed to provide a copy of the decision of Magistrate Karen Hill-Hector.

Case Name: Adam Bilzerian

v

[1] Gerald Lou Weiner
[2] Kathleen Ann Weiner

[SKBHCVAP2019/0040]
(Federation of Saint Christopher and Nevis)

Date: Tuesday, 21st April 2020

On paper:

Applicant: Mr. D Victor Elliott-Hamilton

Respondents: Ms. Jean M. Dyer

Issues: Application for extension of time

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time to file the notice of interlocutory appeal.
2. The notice of interlocutory appeal filed on 24th February 2020 is deemed to be properly filed.

Reason: The Court upon being satisfied that the applicant met the requirements for the grant of an extension of time, granted

the application.

Case Name:

Anieli Liburd

v

The Director of Public Prosecutions

[NEVMCRAP2019/0001]

(Federation of Saint Christopher and Nevis)

Date:

Tuesday, 21st April 2020

On paper:

Appellant: Ms. Natasha Grey

Respondent: The Director of Public Prosecutions

Issues:

Application for bail pending appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall serve the respondent with a copy of the notice of application and the affidavit in support and shall provide proof of service within 21 days of the date of this order.**
- 2. The application for bail pending appeal is adjourned for further consideration at the next Chamber Sitting of this Court scheduled for 19th May, 2020.**

Reason:

The Court upon noting that there was no evidence of service of the application and affidavit on the respondent, sought to adjourn the matter.

Case Name:

**[1] Lindsay F.P. Grant
[2] Jonel F. H. Powell**

v

Tanzania Tobin Tanzil

**[SKBHCVAP2019/0043]
(Federation of Saint Christopher and Nevis)**

Date:

Tuesday, 21st April 2020

On paper:

Applicant: Mr. Brian J. Barnes

Respondent: Mrs. Angelina Gracy Sookoo-Bobb

Issues:

Application seeking an extension of time within which to appeal – Application seeking stay of execution of the judgment

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application for an extension of time to file an application for leave to appeal is adjourned for consideration by the Full Court at the next sitting of the Court of Appeal in the Federation of Saint Christopher and Nevis during the week commencing 8th June, 2020.

Reason:

The Court upon noting several other documents filed in the matter, including several exhibits and authorities, and the heavily contested nature of the application sought to adjourn the matter for consideration by the Full Court at the next sitting of the Court of Appeal in the Federation of Saint Christopher and Nevis.

Case Name:

Denver Fyfield

v

**The Director of Public Prosecutions
[SKBHCRAP2015/0009]
(Federation of Saint Christopher and Nevis)**

Date: **Tuesday, 21st April 2020**

On paper:

Appellant: **Dr. Henry L.O.S Browne, QC**

Respondent: **The Director of Public Prosecutions**

Issues: **Application to amend the grounds of appeal**

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

- 1. The appellant shall serve the notice of motion to amend grounds of appeal on the Director of Public Prosecutions and provide proof of service within 21 days of this order.**
- 2. The hearing of the notice of motion is adjourned for further consideration at the next Chamber Sitting scheduled for 19th May, 2020.**

Reason: **The Court upon noting that the appellant failed to serve the notice of motion on the Director of Public Prosecutions and to provide proof of service thereof, sought to adjourn the matter.**

Case Name:

**The Attorney General of the Federation
of Saint Christopher and Nevis**

v

SKN Choice Times
[SKBHCVAP2019/0045]
(Federation of Saint Christopher and Nevis)

Date: Tuesday, 21st April 2020

On paper:

Appellant: Ms. Maria Angela Cozier

Respondent: Mr. Terence Byron

Issues: Application to strike out the notice of appeal

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

The application to strike out the notice of appeal is refused.

Reason: The Court upon considering that the applicant had not satisfied the threshold for a grant of an order for striking out of the appellant's notice of appeal, refused the application.

Case Name: [1] Hastings Daniel
[2] Hameron Services Limited

v
[1] Deon Daniel
[2] Deon and Associates

[SKBHCVAP2020/0001]
(Federation of Saint Christopher and Nevis)

Date: Tuesday, 21st April 2020

On paper:

Applicants: Ms. Maria Angela Cozier

Respondents: Byron and Byron Chambers

Issues: Application seeking 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 the judgment of Williams J dated 29th November 2019 is granted.
2. The applicant shall file a notice of appeal within 21 days of the date of this order.

Reason: The Court upon considering the judgments of this Court in the cases of John Cecil Rose v Anne Marie Uralis Rose Saint Lucia High Court Civil Appeal No. 19 of 2003 and Carleen Pemberton v Mark Brantley Saint Christopher and Nevis High Court Civil Appeal No. 09 of 2011 and upon being satisfied that the applicants have met the threshold for being granted an extension of time within which to appeal, granted the application.

Case Name: Emily Emmanuel

v

[1] Angus Jn Baptiste

[2] Bertha Jn Baptiste

[SLUMCVAP2020/0001]
(Saint Lucia)

Date: Tuesday, 21st April 2020

On paper:

Applicant: Mr. Alfred Alcide

Respondents: Mr. Angus Jn Baptiste for the First Respondent and Ms. Bertha Jn Baptiste for the Second Respondent

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

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall provide the Court with a copy of the decision of Magistrate Leon France dated 22nd November 2019 within 21 days of the date this order.
2. The applicant shall serve the application and affidavit in support on the respondents and shall provide proof of service to this Court within 21 days of the date of this order.
3. The application for an extension of time is adjourned for further consideration at the next Chamber Sitting of this Court scheduled for 19th May 2020.

Reason: The Court upon noting that it had not been furnished with proof of service of the application and that the decision of Magistrate France dated 22nd November 2019 had not been provided to the Court, sought to adjourn the matter.

Case Name:

Dr. Shaelle Durand

v

St. Jude Hospital Board

[SLUHCVAP2019/0020]

(Saint Lucia)

Date: Tuesday, 21st April 2020

On paper:

Appellant: Ms. Lydia Faisal

Respondent: Jennifer Remy & Associates

Issues: Application seeking an extension of time within which to file the record of appeal and skeleton arguments

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application dated 31st December 2019 seeking an extension of time to file the record of appeal and skeleton arguments is granted.
2. The record of appeal and skeleton arguments filed on 31st December 2019 are deemed properly filed.

Reason:

The Court upon being satisfied that the applicant met the requirements for the grant of the extension of time, granted the application.

Case Name:

Al's Investments Ltd

v

Q Homes Ltd

**[SLUHCVP2020/0005]
(Saint Lucia)**

Date: Tuesday, 21st April 2020

On paper:

Applicant: Ms. Wauneen Louis-Harris

Issues:

Application for leave to appeal – Application for extension of time to file notice of appeal – Application for stay of execution – Application for relief from sanctions – Application for directions for the appeal – Application for stay of execution

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall serve the application and affidavit in support on the respondent and shall provide proof of service to this Court within 21 days of the date of this order.**
- 2. The application is adjourned for consideration by the Full Court at the next sitting of the Court of Appeal in Saint Lucia during the week commencing 6th July, 2020.**

Reason:

The Court upon noting that there was no proof of service of the application or the affidavit in support and upon considering Part 62.2 (5) of the Civil Procedure Rules 2000, sought to adjourn the matter.

Case Name:

Adelaide Joseph by next friend

v

**Computron Limited
[SLUHCVAP2019/0017]
(Saint Lucia)**

Date:

Tuesday, 21st April 2020

On paper:

Appellant: Ms. Natalie DaBreo

Respondent: Ms. Paulette Francis

Issues:

Application to strike out notice of appeal and discharge order of judge – Application to strike out the appellant's core bundle, skeleton arguments, chronology of events and record of appeal – Application for extension of time to file the core bundle, skeleton arguments, chronology of events and record of appeal – Application for relief from sanctions

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application filed by the respondent on 6th March 2020 seeking to strike out the notice of appeal and discharge the order of Baptiste JA dated 24th September 2019 is dismissed.
2. The application filed by the respondent on 27th March 2020 seeking to strike out the appellant's core bundle, skeleton arguments, chronology of events and record of appeal is dismissed.
3. The application for extension of time filed by the appellant on 14th April 2020 is granted.

Reason:

The Court upon being satisfied that the respondent had not met the requirements to strike out the appellant's notice of appeal, core bundle, skeleton arguments, chronology of events and record of appeal dismissed those applications to strike out.

The Court upon being satisfied that the appellant had met the requirements for an extension of time, granted the application.

Case Name:

National Insurance Corporation

v

**Construction & Industrial Equipment Ltd.
[SLUHCMAP2020/0003]
(Saint Lucia)**

Date:

Tuesday, 21st April 2020

On paper:

Applicant: Mr. Deale Lee

Respondent: Ms. Rowana-Kay Campbell

Issues:

Application for leave to appeal – Application for stay of proceedings

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. Leave is granted to the applicant to appeal the decision of Actie J delivered on 20th February, 2020.**
- 2. The appellant shall file and serve the notice of appeal against the decision of Actie J within 21 days of the date of this order.**
- 3. The application for a stay of proceedings in the High Court is adjourned for further consideration at the next Chamber Sitting of this Court scheduled for 19th May, 2020.**

Reason:

The Court upon being satisfied that the applicant met the requisite threshold for the grant of leave to appeal, granted the application.

The Court upon noting that the issue of stay of proceedings is an inter partes application, and upon taking the view that the issue of stay of proceedings

remains live for determination inter partes, adjourned the matter.

Case Name:

The Attorney General

v

[1] Anthony Henry

[2] Francis Noel

**[SLUHCVAP2020/0004]
(Saint Lucia)**

Date:

Tuesday, 21st April 2020

On paper:

Appellant: The Attorney General's Chambers

Respondents: Ms. Lydia B. Faisal

Issues:

Application seeking a stay of execution

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application for a stay of execution of the judgment of Godfrey Smith J dated 19th February 2020 is hereby granted.

Reason:

The Court upon being satisfied that the respondents were deemed to be properly served in accordance with rule 13(8) of the Eastern Caribbean Supreme Court (Electronic Litigation Filing and Service Procedure) Rules, 2018 with the notice of application, the affidavit in support, the exhibits and the draft order and upon being satisfied that the appellant had met the threshold for the grant of a stay of execution, granted the application.

Case Name:

**[1] Network Construction Maintenance &
Rehabilitation Limited**

[2] Gregory Laughan Fevriere

v

Cable & Wireless (St. Lucia) Limited

**[SLUHCVAP2016/0001]
(Saint Lucia)**

Date:

Tuesday, 21st March 2020

On paper:

Appellant: Mr. Dexter Theodore, QC

Respondent: Mr. Deale Lee

Issues:

**Application to extend time to file agreed notes of evidence
– Application to extend the time to file and serve record of
appeal with notice of appeal and for relief from sanctions -
Application to extend time to file and serve the skeleton
arguments and for relief from sanctions**

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

**The application to extend time to file agreed notes of
evidence, the application to extend the time to file and
serve the record of appeal with the notice of appeal and
for relief from sanctions and the application to extend time
to file and serve the skeleton arguments and for relief from
sanctions are all adjourned for further consideration to the
next Chamber Hearing of this Court scheduled for 19th
May 2020.**

Case Name:

Matthew Quashie

v

The Queen

**[SVGHCRA2019/0005]
(Saint Vincent and The Grenadines)**

Date:

Tuesday, 21st April 2020

On paper:

Appellant: Self-represented

Respondent: The Director of Public Prosecutions

Issues:

Application for bail pending appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall serve a copy of this order on the applicant and provide proof of service within 21 days of the date of this order.**
- 2. The applicant shall file and serve a notice of appeal on the respondent and provide proof of service within 21 days of the date of this order.**
- 3. The application for bail pending appeal is adjourned for further consideration at the next Chamber Sitting scheduled for 30th June 2020.**

Reason:

The Court upon noting that the applicant failed to file a notice of appeal sought to give further directions and adjourn the matter.

Case Name:

Kozan Haywood

v

The Queen

**[SVGHCRAP2020/0001]
(Saint Vincent and The Grenadines)**

Date:

Tuesday, 21st April 2020

On paper:

Appellant: Ms. Patina D.S. Knights

Respondent: The Director of Public Prosecutions

Issues:

Application for extension of time to file notice of appeal and deem appeal properly filed – Application for leave to amend and file additional grounds of appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall provide this Court with a copy of the notice of appeal filed on 10th January 2020 within 21 days of the date of this order.**
- 2. The applicant shall serve the notice of application filed on 10th January 2020 on the respondent and provide this Court with proof of service within 21 days of the date of this order.**
- 3. The application is adjourned for further consideration at the next Chamber Sitting of this Court scheduled for 19th May 2020.**

Reason:

The Court upon noting that the applicant failed to provide a copy of the notice of appeal filed on 10th January 2020 to

this Court and serve the notice of application filed on 10th January 2020 on the respondent and provide proof of service, sought to give directions and adjourn the matter.

Case Name:

Josiah Thomas

v

The Queen

**[SVGHCRAP2020/0003]
(Saint Vincent and The Grenadines)**

Date:

Tuesday, 21st April 2020

On paper:

Appellant: Self-represented

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 serve a copy of the application for leave to appeal against sentence on the Director of Public Prosecutions and provide proof of service within 21 days of the date of this order.**
- 2. The application for leave to appeal against sentence is adjourned for further consideration at the next Chamber Sitting of this Court scheduled for 19th May 2020.**

Reason:

The Court upon noting the failure of the Registrar of the High Court to serve a copy of the application for leave to

appeal against sentence on the Director of Public Prosecution and to provide proof of service, sought to give directions and adjourn the matter.

Case Name:

Venold Coombs

v

[1] Trevor Huggins

[2] Stanley Hinds

[3] National Broadcasting Corporation

[SVGHCVAP2020/0001]

(Saint Vincent and The Grenadines)

Date:

Tuesday, 21st April 2020

On paper:

Appellant: Mr. John Ahmed S. Coombs

Respondent: Mr. Trevor Huggins

Issues:

Application seeking extension of time within which to file written submissions on issue of costs

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for extension of time filed by the 2nd and 3rd respondents is granted.**
- 2. The written submissions filed by the 2nd and 3rd respondents on 21st April 2020 are deemed properly filed.**
- 3. The 1st respondent shall file and serve written submissions on the issue of costs within 21 days of the date of this order.**

4. The issue of costs in the application is adjourned for further consideration at the next Chamber Sitting of this Court scheduled for 19th May 2020.

Case Name:

Colly Lowman

v

Commissioner of Police

[SVGMCRAP2020/0001]

(Saint Vincent and The Grenadines)

Date:

Tuesday, 21st April 2020

On paper:

Appellant:

Respondent:

Issues:

Application for leave to amend grounds of appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application for leave to amend the grounds of appeal is adjourned for consideration at the next Chamber Sitting of the Court scheduled for 19th May 2020.

Case Name:

Christiana Thompson

v

Silbert Stapleton

**[SVGMCVAP2019/0004]
Saint Vincent and the Grenadines**

Date: **Tuesday, 21st April 2020**

On paper:

Appellant: **Mr. Ronald Marks**

Respondent: **Ms. Patina D.S. Knights**

Issues: **Application to strike out notice of appeal for want of prosecution and for costs**

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

The application to strike out the notice of appeal for want of prosecution and for costs is adjourned for consideration at the next Chamber Sitting of the Court scheduled for 19th May 2020.

Case Name: **Annie Edwards**

v

Lanieke Delpesche

**[SVGMCVAP2019/0009]
(Saint Vincent and the Grenadines)**

Date: **Tuesday, 21st April 2020**

On paper:

Applicant: Ms. Michelle N. Fife

Respondent: Byron and Byron

Issues: Application for leave to appeal out of time

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

The application for leave to appeal out of time against the decision of Chief Magistrate Rechenne Browne-Matthias dated 26th September 2019 is adjourned for consideration at the next Chamber Sitting of the Court scheduled for 19th May 2020.

Case Name:

Metrocint General Insurance Company Limited

v

[1] Mercedes Delplesche

[2] Samuel Deroche

[SVGHCVAP2019/0019]

(Saint Vincent and the Grenadines)

Date: Tuesday, 21st April 2020

On paper:

Appellant: Mr. Duane A. Daniel

Respondent: Ms. Mercedes Delplesche

Issues: Application seeking an extension of time within which to file a notice of appeal – Application for relief from

sanctions

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application for an extension of time within which to file a notice of appeal and for relief from sanctions is adjourned for consideration at the next Chamber Hearing of the Court scheduled for 19th May 2020.

Case Name:

Recardo Bascombe

v

Alinda Harry

**[SVGMCVAP2019/0010]
(Saint Vincent and The Grenadines)**

Date:

Tuesday, 21st April 2020

On paper:

Applicant: Ms. Michelle N. Fife

Respondent: Ms. Alinda Harry

Issues:

Application for leave to appeal out of time

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application for leave to appeal out of time against the decision of Chief Magistrate Rechenne Browne-Matthias dated 31st October 2019 is adjourned for consideration at the next Chamber Sitting of the Court scheduled for 19th May 2020.

Reason:

Case Name:

[1] International Trading Holding Co. Ltd.

[2] Intraco UAE Limited

v

Med Trading Company Ltd

**[BVIHCMAP2020/0002]
(Territory of The Virgin Islands)**

Date:

Tuesday, 21st April 2020

On paper:

Applicants: Mr. Andrew Willins

Issues:

Application seeking leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall, within 14 days of the date of this order, furnish this Court with evidence of when the final and approved judgment of Wallbank J [Ag] dated 19th December 2019 was delivered to the parties.**
- 2. The application for leave to appeal the order of Wallbank J [Ag.] made on 18th December 2019 and reasons contained within the judgment of Wallbank J [Ag.] dated 19th December 2019 is adjourned for further consideration at the next Chamber Sitting of this Court scheduled for 19th May 2020.**

Reason:

The Court upon noting that there were discrepancies as to when the judgment was delivered to the parties in its final and approved form and that the applicants had not provided sufficient proof of when the judgment was delivered to the parties in its final and approved form so as to satisfy the Court that rule 62.2 (1) of the Civil Procedure Rules 2000 was complied with, sought to give directions and adjourned the matter.

Case Name:

Renova Industries Limited & Ors

v

Emmerson International Corporation & Ors

Emmerson International Corporation & Ors

v

Renova Industries Ltd & Ors

Mikhail Abyzov & Ors

v

Renova Industries Ltd & Ors

Emmerson International Corporation

v

Viktor Vekselberg & Ors

[BVIHCMAP2020/0003]

(Territory of The Virgin Islands)

Date: Tuesday, 21st April 2020

On paper:

Applicant: Mr. Phillip Baldwin

Respondent: Mr. Jonathan Child

Issues: Application for extension of time to file leave to appeal –
Application for relief from sanctions

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

1. An extension of time is granted up to 20th February 2020 to file the notice of application for leave to appeal.
2. The applicant shall furnish the Court with a copy of the order of Wallbank J [Ag.] dated 4th February 2020 when it becomes available.
3. The application for leave to appeal the order of Wallbank J [Ag.] dated 4th February 2020 is adjourned for further consideration at the next Chamber Sitting scheduled for 19th May 2020.

Reason: The Court upon being satisfied that the applicant had met the requisite threshold for the grant of an extension of time and upon taking the view that an application for relief from sanctions was inapplicable in those circumstances, granted the application.

The Court upon noting that a copy of the order of Wallbank J [Ag.] dated 4th February 2020 was not yet available, sought to give directions and adjourned the matter.

Case Name: Global Ocean Transport Inc

v

Dwight Flax

**[BVIHCMAP2017/0006]
(The Territory of The Virgin Islands)**

Date: **Tuesday, 21st April 2020**

On paper:
Applicant: **Mr. E. Leroy Jones**

Issues: **Application for removal from record as legal practitioners**

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

- 1. The applicant shall provide this Court with proof of service of the notice of application on the appellant and 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 for the appellant is adjourned for further consideration at the next Chamber Sitting of this Court scheduled for 19th May 2020.**

Reason: **The Court upon noting that the applicant had not provided proof of service of the notice of application on the appellant and respondent within 14 days sought to adjourn the matter and give directions.**

Case Name:

Myett's Enterprises Limited

v

**[1] Kimberly Cooke Leigh
[2] Cheryl Couture
[3] Cora Liburd
[4] Veronica Bailey
[5] Rudolph Stone
[6] Luz Adell Francisco De Callwood
[7] Sofia Small
[8] Xiomara Luisa Rhymer Mason
[9] Alexander Carina Henriques Industrus
[10] Carina Industrus
[11] Davina Gordon
[12] Ernie Carol Claxton**

**[BVIHCVAP2019/0004]
(Territory of the Virgin Islands)**

Date: **Tuesday, 21st April 2020**

On paper:

Applicant: **Ms. Dancia Penn, QC**

Respondents: **Mr. Daniel R. Fligelstone Davies**

Issues: **Application for an extension of time to file a notice of appeal**

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

The application for an extension of time to file a notice of appeal against the decision of Master Ermin Moise dated 8th July 2019 is adjourned for consideration at the next Chamber Sitting of the Court scheduled for 19th May 2020.

