

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL

CHAMBER HEARING

24th September 2019

MATTERS DEALT WITH ON PAPER

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

Case Name: Adam Gobat
(as Executor for the Estate of Oliver Gobat,
deceased)

v

Island Heights Limited

[ANUHCVP2019/0015]
(Antigua and Barbuda)

Date: Tuesday, 24th September 2019

On paper:
Applicant: Mr. Justin L. Simon, QC (Chancellor Chambers)

Issue: Application for leave to appeal

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

1. The applicant is granted leave to appeal against the order of Wilkinson J dated 7th May 2019.
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 met the threshold requirements for the grant of leave to appeal.

Case Name: Leewind Paints (1980) Limited

Appellant/Respondent

v

**[1] Cosmas Phillips, Jr. & Renee Phillips
(as Executors of the Estate of Cosmas Phillips)**

1st Respondents/Applicants

[2] RBC Royal Bank of Canada

2nd Respondent/Counter-Appellant

**[ANUHCVAP2019/0002]
(Antigua and Barbuda)**

Date: Tuesday, 24th September 2019

On paper:

Applicants: Mr. Lawrence Daniels (Daniels, Phillips & Associates)

Counter-Appellant: Mrs. C. Debra Burnette (Henry & Burnette)

Respondent: Mr. Hugh C. Marshall (Marshall & Co)

Issues: Application for notice of appeal and counter notice of appeal to be dismissed for want of prosecution

Result / Order: IT IS HEREBY ORDERED THAT:

The application for the notice of appeal filed on 15th January 2019 and the counter notice of appeal filed on 25th January 2019 to be dismissed for want of prosecution is hereby dismissed.

Reason: The Court noted that the delay in preparing the record of appeal for the prosecution of the appeal and the counter appeal was as a result of the unavailability of the transcript of the hearing.

Case Name: **Stuart A. Lockhart**
v
[1] Valentina Nonini and Maurizio Pandini
[2] The Disciplinary Committee

[ANUHCVP2019/0004]
(Antigua and Barbuda)

Date: **Tuesday, 24th September 2019**

On paper:

Applicant: **Dr. David Dorsett (Watt, Dorsett & Company)**

Respondent: **Mrs. Andrea Roberts-Nicholas (Roberts & Co.)**

Issue: **Application for stay of execution**

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

The application for a stay of execution of the decision of the Disciplinary Committee dated 18th December 2019 is hereby dismissed.

Reason: The Court was of the view that the applicant has not satisfied the requirements for the grant of a stay of execution of the decision of the Disciplinary Committee pending the determination of the appeal.

Case Name: Antigua Flight Training Center

v

Eastern Caribbean Civil Aviation Authority

**[ANUHCVAP2014/0021]
(Antigua and Barbuda)**

Date: Tuesday, 24th September 2019

On paper:
Applicant: Ms. Grace Norman

Issue: Application for an extension of time - Application for leave to appeal

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

1. The applicant shall provide the Court with proof of service of the application for an extension of time to apply for leave to appeal within 14 days of the date of this order.
2. The application is adjourned for further consideration at the next chamber hearing which is scheduled for 22nd October 2019.

Reason: The Court noted that there is no proof of service of the application on the respondent.

Case Name:

**Joseph W. Horsford
(As sole administrator of the Estate of William
Horsford, deceased)**

v

Geoffrey Croft

**[ANUHCVAP2018/0045]
(Antigua and Barbuda)**

Date:

Tuesday, 24th September 2019

On paper:

Appellant:

In person

Respondent:

Mr. Sylvester Carrott

Issues:

Application for unless order – Application for order pursuant to rules 62.14 and 25.1 of the Civil Procedure Rules 2000 – Application for appeal to proceed as summary appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The respondent's application for an unless order is hereby dismissed.**
- 2. The appellant's application for the appeal to proceed as a summary appeal is hereby dismissed.**
- 3. The matter shall be listed for case management by the Chief Registrar, within 14 days of the date of this order, at a date and time to be determined by the Chief Registrar in consultation with counsel.**

Reason: The Court was of the view that an unless order was not appropriate in the circumstances. The Court was also of the view that the appeal should not proceed as a summary appeal as the issues raised require consideration of the full record of appeal. The Court also noted that there was no evidence of the parties' agreement that the appeal should proceed as a summary appeal in accordance with rule 62.6 of the Civil Procedure Rules 2000.

Case Name: Jude Jolie

v

Eastern Caribbean Civil Authority

**ANUHCVP2018/0025
(Antigua and Barbuda)**

Date: Tuesday, 24th September 2019

On paper:

Applicant: Mr. Ruggles Ferguson

Issue: Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The applicant is granted leave to appeal against the decision of Smith J dated 17th July 2018.
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 met the threshold requirement for the grant of leave to appeal.

Case Name:

Gavin Williams

v

The Queen

**[ANUHCRA2019/0002]
(Antigua and Barbuda)**

Date:

Tuesday, 24th September 2019

On paper:

Applicant:

In person

Issue:

Application for leave to appeal against conviction and sentence

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted leave to appeal against his conviction and sentence.**
- 2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.**
- 3. The Registrar of the High Court is to serve a copy of the application for leave to appeal and the order granting leave on the Director of Public Prosecutions.**

Reason:

The Court was of the view that the applicant satisfied the threshold for the grant of leave to appeal against sentence and conviction.

Case Name:

Alston Gregory Rodney

v

[1] Magistrate Ngaio Emmanuel

[2] The Commissioner of Police

**[ANUMCRAP2019/0002]
(Antigua and Barbuda)**

Date:

Tuesday, 24th September 2019

On paper:

Applicant:

Mr. Vere C Bird III

Respondent:

The Director of Public Prosecutions

Issues:

Application for leave to appeal out of time – Application for a stay

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The notice of application filed on 26th March 2019 for an extension of time to file a notice of appeal and to deem the notice of appeal filed on 20th March 2019 properly filed is granted.**
- 2. The stay of decision filed on 20th March 2019 is hereby dismissed.**

Reasons:

The Court was satisfied that the applicant met the threshold requirements for the grant of an extension of time. The Court was also of the view that the applicant did not provide any evidential basis for the grant of a stay of the decision.

Case Name: **Jolly Beach Resort & Spa**

V

Simone Sparman

**[ANUHCVP2019/0001]
(Antigua and Barbuda)**

Date: **Tuesday, 24th September 2019**

On paper:

Applicant: **Mr. Lawrence Daniels (Daniel Phillips & Associates)**

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

Issue: **Application for notice of appeal to be dismissed for want of prosecution**

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

The application filed on 24th June 2019 that the notice of appeal filed on 10th January 2019 be dismissed for want of prosecution is refused.

Reason: **There is no notice of availability of transcript pursuant to rule 62.9(i) of the Civil Procedure Rules 2000.**

Case Name: **Massimo Alemagna
(By his Attorney Alessandra Alemagna)**
Respondent/Appellant

V

[1] McAlister Abbott

[2] Eugene Abbott

Respondents

[3] Michael Pigott

Applicant/Respondent

**[ANUHC VAP2018/0031]
(Antigua and Barbuda)**

Date: Tuesday, 24th September 2019

On paper:

Applicant/Respondent: Ms. Jacqueline L. Walwyn

Respondent/Appellant: Mr. Kendrickson Kentish

1st and 2nd Respondents: Marshall & Co.

Issues: Application for appeal to be struck out

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall provide this Court with proof of service of the amended submissions and authorities in support of the application on the respondent within 14 days of this order.**
- 2. The application is adjourned for further consideration at the next chamber hearing which is scheduled for 22nd October 2019.**

Reason:

The Court noted that there was no evidence of service of the amended submissions and authorities in support of the application for the notice of appeal to be struck out on the respondent.

Case Name:

**Wayne Warrell
v
The Commissioner of Police**

**[ANUMC RAP2019/0013]
(Antigua and Barbuda)**

Date: **Tuesday, 24th September 2019**

On paper:

Applicant: **In person**

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

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

- 1. The application for an extension of time within
which to appeal against sentence is granted.**
- 2. The application for leave to appeal is granted and
deemed properly filed.**

Reason: **The Court was of the view that the applicant met the
threshold requirements for the grant of an extension of
time and for leave to appeal against sentence.**

Case Name: **Wayne Warrell
v
The Queen**

**[ANUHCRAP2019/0012]
(Antigua and Barbuda)**

Date: **Tuesday, 24th September 2019**

On paper:

Applicant: **In person**

Respondent: **The Director of Public Prosecutions**

Issue: Application for leave to appeal against sentence -
Application for 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 against sentence is granted.
2. The application for leave to appeal is granted and deemed properly filed.

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

Case Name: The Attorney General
v
Simon Riley

[MNIHCVAP2019/0008]
(Montserrat)

Date: Tuesday, 24th September 2019

On paper:

Appellant/Counter-Respondent: Mrs. Sheree Jemmotte-Rodney (Attorney General's Chambers)

Respondent/Counter-Appellant: Mr. Sylvester Carrott

Issue: Application for stay of execution pending determination of appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application for a stay of execution pending the determination of the appeal is refused.

Reason:

The Court was of the view that based on the principles set out in the authorities such as C-Mobile Services Limited v Huawei Technologies Co. Ltd, the applicant did not satisfy the requirements for the grant of a stay of execution of the order of Justice Evans dated 1st July 2019.

Case Name:

**Khani George
v
St. Luce Jno Lewis**

**[DOMMCVAP2019/0004]
(Commonwealth of Dominica)**

Date:

Tuesday, 24th September 2019

On paper:

Applicant:

In person

Issue:

Application for extension of time within which to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The Chief Magistrate shall furnish this Court with a copy of the decision of Magistrate Michael Bruney dated 4th May 2018 within 14 days of the date of this order.**
- 2. The applicant shall provide proof of service of the application for leave to file an appeal out of time within 14 days of the date of this order.**

3. This order is to be served on the Chief Magistrate and the applicant by the Registrar of the High Court.
4. The application for leave to file an appeal out of time is adjourned for further consideration to the next chamber hearing of the Court scheduled for 22nd October 2019.

Reason:

The Court noted that there was no evidence of compliance with the previous orders of the Court directing the applicant to: (i) provide a copy of the decision of the Magistrate; (ii) serve the respondent with a copy of the application; and (iii) provide proof of service.

Case Name:

Derwin Melrose Peltier
v
Jacinta Peltier Nee Jno, Lewis

[DOMHCVAP2019/0001]
(Commonwealth of Dominica)

Date:

Tuesday, 24th September 2019

On paper:

Applicant: Dyer & Dyer

Issue:

Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The applicant is granted leave to appeal against the decision of Stephenson J dated 13th June 2019.
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 met the threshold for the grant of leave to appeal.

Case Name: Edwin Chiddick

v

The Queen

**[GDAHCRAP2019/0012]
(Grenada)**

Date: Tuesday, 24th September 2019

On paper:

Applicant: In person

Respondent: Director of Public Prosecutions

Issue: Application for leave to appeal against sentence

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall provide this Court with the minute of conviction and sentence of the applicant within 14 days of the date of this order.**
- 2. The Registrar of the High Court shall provide proof of service of the minute of conviction and sentence of the applicant on the Director of Public Prosecutions within 14 days of the date of this order.**
- 3. The application is adjourned for further consideration to the next chamber hearing of this Court scheduled for 22nd October 2019.**

Reason: The applicant did not provide the Court with the minute of conviction and sentence.

Case Name: Bernard Blanc
v
The Queen
[GDAHCRAP2019/0010]
(Grenada)

Date: Tuesday, 24th September 2019

On paper:
Applicant: Mr. Anselm B. Clouden (Grenlaw Chambers)
Respondent: Director of Public Prosecutions

Issue: Application for leave to appeal against sentence

Result / Order: IT IS HEREBY ORDERED THAT:
1. The appellant is granted leave to appeal against his sentence.
2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.

Reason: The Court was satisfied that the applicant has met the threshold requirement for the grant of leave to appeal against sentence.

Case Name: **The Attorney General of Grenada**

v

[1] Shorn Braveboy

[2] Letisha Lessey-Braveboy

**[GDAHCVAP2019/0015]
(Grenada)**

Date: **Tuesday, 24th September 2019**

On paper:

Applicant: **Ms. Dia C. Forrester, Solicitor General (Attorney General's Chambers)**

Respondent: **Henry, Henry & Bristol**

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

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted leave to appeal the decision of Smith J dated 12th July 2019.**
- 2. The applicant shall file the notice of appeal within 21 days of the date of this order.**
- 3. The application for a stay of the orders of Smith J dated 12th July 2019 is hereby dismissed.**
- 4. The hearing of the respondents' application for garnishee orders against the applicant in claim no. GDAHCV2010/0247 is stayed pending the determination of the appeal.**

Reason: The Court was satisfied that the applicant met the threshold for the grant of leave to appeal. The Court was also satisfied that the circumstances warranted that the hearing of the respondents' application for garnishee orders against the applicant in claim no. GDAHCV2010/0247 be stayed pending the determination of the appeal.

Case Name: Isaac Joseph (Demise Charterer of M/V
"Isabella" B
v
Matthew Blair
[GDAHCVAP2019/0009]
(Grenada)

Date: Tuesday, 24th September 2019

On paper: Applicant: Ms. Karen M.M. Samuel (Samuel Phillip & Associates)

Issue: Application for leave to appeal

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

1. The applicant shall file a copy of the order of Smith J dated 3rd June 2019, for which leave to appeal is sought 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 which is scheduled for 22nd October 2019.

Reason: The Court noted that there was no evidence of compliance with the previous order of the Court directing the applicant to file a copy of the order of Smith J dated 3rd June 2019 for which leave to appeal is being sought.

Case Name: Chrispin Ramdeen
v
The Commissioner of Police
[GDAMCRAP2019/0011]
(Grenada)

Date: Tuesday, 24th September 2019

On paper:

Applicant: In person

Respondent: Director of Public Prosecutions

Issue: Application for extension of time to seek leave to appeal
– Application for leave to appeal against sentence

Result/Order: IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time to

seek leave to appeal.

2. The applicant is granted leave to appeal against his sentence.
3. The applicant shall file and serve the notice of appeal within 21 days of the date of this order.

Reason:

The Court was of the view that the applicant met the requirements for the grant of an extension of time to seek leave to appeal. The Court was also satisfied that the applicant met the threshold for the grant of leave to appeal.

Case Name:

Clive Connell
v
The Commissioner of Police

[GDAMCRAP2018/0021]
(Grenada)

Date:

Tuesday, 24th September 2019

On paper:

Applicant:

Mr. C. Jerry Edwin (Eden Law Caribbean)

Issue:

Application for extension of time to seek leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:
The application for an extension of time to file notice of appeal is dismissed.

Reason:

The applicant failed to comply with the unless order of the Court directing him to file an affidavit in support of the application for an extension of time.

Case Name:

**Venescia Francis-Banfield
v
The Watson Group Limited
[GDAHCVAP2016/0024]
(Grenada)**

Date:

Tuesday, 24th September 2019

On paper:

Applicant: Mrs. Venescia Francis-Banfield

Respondent: Ms. Skeeta Chitan

Issue:

**Application for extension of time – Relief from sanctions
– Application for a stay of execution**

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The stay of execution is granted of the order and judgment of Justice Roberts dated 12th April 2016.**
- 2. The notice of appeal filed 19th May 2016 is deemed properly filed and the applicant shall serve said notice of appeal on the respondent within 14 days of the date of this order.**

Reason:

The Court was satisfied that the applicant had met the requirements for a grant of extension of time and for a stay of execution. Further, there was no evidence of an objection by the respondent.

Case Name:

**Dannel Bonaparte
v
The Queen**

**[GDAHCRAP2019/0007]
(Saint Lucia)**

Date: Tuesday, 24th September 2019

On paper:

Applicant: Ms. Sabrita Khan-Ramdhani (Ramdhani & Associates)

Respondent: Director of Public Prosecutions

Issue: Application for leave to appeal against sentence

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

1. Leave is granted to the applicant to appeal against his sentence.
2. The applicant shall file and serve his notice of appeal within 21 days of the date of this order.

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

Case Name: Jeffrey Derrick Christopher Aban

v

Enid Bissoon Aban

**[GDAHCVAP2019/0018]
(Grenada)**

Date: Tuesday, 24th September 2019

On paper:

Applicant: Mr. Rohan A. Phillip (Lex Fidelis Chambers)

Respondent: Ms. Celene Edwards (Law Office of George E.D. Clyne)

Issues: Application for an extension of time within which to appeal – Application for a stay of execution pending determination of appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time to file the notice of appeal.
2. The notice of appeal filed 8th August 2019 is deemed properly filed.
3. The application for a stay of execution of the decision of Adrien-Roberts J made 3rd April 2019 is granted pending the determination of the appeal.
4. The appeal shall proceed in accordance with the Civil Procedure Rules 2000.

Reason: The Court was satisfied that the applicant has met the requirements for a grant of a stay and an extension of time to appeal.

Case Name:

[1] Karen Allen
[2] Steven Fagen
[3] Marie Carole Lidbetter
v
[1] Registrar of Companies
[2] Financial Services Commissioner
[3] Rueben Meade
[4] Fotis Andrianakos
[5] Panagiotis Andrianakos
[6] Montobacco Limited
[7] Emerald Metal Co. Limited

[8] 888 International Limited
[9] Edmond Elbaz

[MNIHCVAP2019/0006]
(Montserrat)

Date: **Tuesday, 24th September 2019**

On paper:

Appellants/Applicants: **In person**

1st Respondent/Applicant: **Ms. Renée A. R. D. Morgan**

Issues: **Application for an extension of time within which to appeal – Application to strike out notice of appeal**

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application to strike out the notice of appeal is dismissed.**
- 2. The applicants are granted an extension of time to appeal the order of Justice Morley made 7th May 2019 in relation to Claim No. MNIHCVAP2018/0014 and MNIHCVAP2018/0026.**
- 3. The notice of appeal filed on 18th June 2019 is deemed properly filed.**
- 4. The appeal shall proceed in accordance with the Civil Procedure Rules 2000.**

Reason:

The Court was satisfied that the appellants/applicants satisfied the requirements for the grant of an extension of time. The Court was also of the view that the circumstances of the case did not warrant the exercise of its discretion to strike out the notice of appeal.

Case Name:

**Ramsbury Properties Limited
V
Ocean View Construction Limited**

**[SKBHCVAP2011/0020]
(Saint Christopher and Nevis)**

Date:

Tuesday, 24th September 2019

On paper:

Applicant: Walwynlaw

Respondent: Cozier & Associates

Issue:

**Application for leave to appeal to Her Majesty in Council
– Application for a stay of execution – Application for
extension of time to file submissions**

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The notice of motion for leave to appeal to Her Majesty in Council and for a stay of execution of the judgment of the Court of Appeal and the notice of application filed by the respondent on 24th June 2019 for an extension of time to file submissions in response to the notice of motion are adjourned for consideration by the Full Court at the next sitting of the Court of Appeal in Saint Christopher and Nevis during the week commencing 11th November 2019.

Case Name:

**[1] Minister of Agriculture, Lands Housing,
Cooperatives & Fisheries**

[2] Nevis Housing and Land Development Corporation

v

Eustace Nisbett

[SKBHCVAP2019/0020]

(Saint Christopher and Nevis)

Date: Tuesday, 24th September 2019

On paper:

Respondents/Appellants: Mr. Terence V. Byron (Byron & Byron)

Applicant/Respondent: Mr. Patrice D. Nisbett (Hector & Nisbett Law)

Issue: Application to strike notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:

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

Reason: The Court was of the view that it was not appropriate in the circumstances to strike out the notice of appeal.

Case Name: Zephaniah Liburd

v

[1] Nevis Land Development Corporation

[2] Minister of Agriculture and Lands

[SKBHCVAP2019/0023]

(Saint Christopher and Nevis)

Date: Tuesday, 24th September 2019

On paper:

Applicant: Ms. M. Angela Cozier (Cozier & Associates)

Issues:

Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal the judgment of Glasgow J dated 20th June 2019 is granted.
2. The applicant shall file a notice of appeal within 21 days of the date of this order following which the appeal shall proceed in accordance with the Civil Procedure Rules.

Reason:

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

Case Name:

**Dr. The Honourable Timothy Harris
v
Dr. The Honourable Denzil Douglas**

**[SKBHCVAP2019/0020]
(Saint Christopher and Nevis)**

Date:

Tuesday, 24th September 2019

On paper:

Applicant: Mr. D. Victor C. Elliot-Hamilton (Elliot Macclure)

Respondent: Mrs. Angelina Gracy Sokoo-Bobb (Law Office of
Sylvester Anthony)

Issue:

Application for leave to appeal – Application for stay of execution

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal the judgment of Ventose J dated 22nd July 2019 is granted.**
- 2. The applicant shall file his notice of appeal within 21 days of the date of this order following which the appeal shall proceed in accordance with the Civil Procedure Rules 2000.**
- 3. The application for a stay of execution of the judgment of Ventose J is adjourned to the hearing of the Full Court during the sitting of the Court of Appeal in the Federation of St. Kitts and Nevis during the week commencing 11th November 2019.**

Reason:

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

Case Name:

**St. Kitts-Nevis Football Association
v
[1] SOL Island Auto Conaree Football Club
[2] Delwayne Delaney**

**[SKBHCVAP2019/0022]
(Saint Christopher and Nevis)**

Date:

Tuesday, 24th September 2019

On paper:

Applicant: Ms. Vadeesha T.N. John (Johnson & Associates)

Respondents: Grey's Legal Chambers

Issues:

**Application for appeal to be listed as urgent –
Application for appeal to be considered on written
submissions only**

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The appeal is to first be case managed by the Chief Registrar.

Reason:

The Court was doubtful as to whether the appeal at this point can be considered an urgent appeal.

Case Name:

Lazarus Paul

v

[1] Raquel Willie-Trotman

[2] Douglas Trotman

**[3] Teferi Trotman (minor acting herein
and represented by his mother Raquel
Willie-Trotman)**

[SLUHCVAP2017/0049]

(Saint Lucia)

Date:

Tuesday, 24th September 2019

On paper:

Applicant:

The Law Offices of Gerard Williams

Respondent:

Mrs. Wuaneen Louis-Harris

Issue:

Application for extension of time to appeal

**Result/Order
:**

IT IS HEREBY ORDERED THAT:

- 1. The applicants shall serve the respondents with the notice of application for extension of time and provide proof of service of application within 14 days of the date of this order.**
- 2. The application is adjourned for further consideration to the next chamber hearing of this Court scheduled for 22nd October 2019.**

Reason: The Court noted that there was no evidence of service of the application on the respondents.

Case Name: Adelaide Joseph
v
Computron Limited
[SLUHCVAP2019/0017]
(Saint Lucia)

Date: Tuesday, 24th September 2019

On paper:

Applicant: Ms. Natalie Da Breo

Ms. Paulette Francis

Respondent:

Issue: Application for stay pending hearing and determination of appeal

Result/Order
: IT IS HEREBY ORDERED THAT:

The application for a stay of execution of the judgment of Cenac-Phulgence J is granted.

Reason: The Court was of the view that the applicant satisfied the threshold requirements for the grant of a stay.

Case Name:

**Dr. Shaelle Durand
v
St. Jude Hospital**

**[SLUHCVAP2019/0020]
(Saint Lucia)**

Date:

Tuesday, 24th September 2019

On paper:

Applicant: Ms. Lydia Faisal

Respondent: In person

Issue:

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

**Result/Order
:**

IT IS HEREBY ORDERED THAT:

- 1. The appellant shall serve the notice of application on the respondent and provide proof of service thereof within 14 days of the date of this order.**
- 2. The application is adjourned for further consideration to the chamber hearing of this Court scheduled for 22nd October 2019.**

Reason:

The Court noted that there was no proof of service of the application on the respondent.

Case Name:

**Mathilda Nelson
v
Alexis Alcide**

**[SLUHCVAP2018/0002A]
(Saint Lucia)**

Date: Tuesday, 24th September 2019

On paper:

Applicant: Mr. Dexter Theodore, QC (Theodore & Associates)

Respondent: Mrs. Wauneen Louis-Harris

Issue: Application to strike out notice of appeal

Result/Order
: **IT IS HEREBY ORDERED THAT:**
The application to strike out the notice of appeal is dismissed.

Reason: The Court was of the view that the circumstances of this case did not warrant the exercise of the Court's discretion to strike out the notice of appeal.

Case Name: Mathilda Nelson
v
Alexis Alcide

[SLUHCVP2018/0002]
(Saint Lucia)

Date: Tuesday, 24th September 2019

On paper:

Applicant: Mr. Dexter Theodore, QC (Theodore & Associates)

Respondent: Mrs. Wauneen Louis-Harris

Issues:

Result/Order
: **IT IS HEREBY ORDERED THAT:**
1. The application for further extension of time to file the record of appeal is granted.

2. The record of appeal filed on 26th June 2019 is deemed properly filed.
3. The application for an extension of time to file skeleton arguments is granted and the skeleton arguments filed 5th August 2019 is deemed properly filed.
4. The appellant shall serve the skeleton arguments with authorities on the respondent and provide proof of service.
5. The appeal shall proceed in accordance with the Civil Procedure Rules 2000.

Reason: The Court was satisfied that the applicant met the threshold requirements for the grant of further extension to file the record of appeal.

Case Name: Urban St. Brice
v
The Attorney General
[SLUHCVP2018/0036]
(Saint Lucia)

Date: Tuesday, 24th September 2019

On paper:

Applicant: Ms. Natalie Da Breo

Respondent: The Attorney General's Chambers

Issue: Application for leave to appeal in forma pauperis

Result/Order
:
IT IS HEREBY ORDERED THAT:
1. The applicant is granted leave to appeal in forma pauperis.

2. The cost of filing documents shall be waived, and the applicant shall be allowed to file documents free of charge.
3. Leave is granted to the applicant to effect service by electronic means in accordance with Civil Procedure Rules 2000, Practice Directions 5 & 6, No. 1 of 2014.

Reason:

The Court was of the view that the applicant had satisfied the requirements for the grant of leave to appeal *in forma pauperis*.

Case Name:

Bank of Saint Lucia Limited

Respondent/Petitioner

v

KFC Saint Lucia Company

Applicant/Respondent

La Marie Food Group (St. Lucia) Incorporated

Deluxe Dry Cleaners (St. Lucia) Limited

Philmore Davis

Wendy Davis

Interested Parties/Applicants

[SLUHCMAP2019/0005]

(Saint Lucia)

Date:

Tuesday, 24th September 2019

On paper:

Applicant:

Ms. Renee St. Rose

Issue:

Application for leave to appeal – Application for a stay of execution

Result/Order
:

IT IS HEREBY ORDERED THAT:

1. The appellant shall serve the notice of application on the respondent and provide proof of service thereof within 14 days of the date of this order.
2. The application is adjourned for further consideration to the chamber hearing of this Court scheduled for 22nd October 2019.

Reason:

The Court noted that there was no evidence of service of the application for a stay of execution on the respondent.

Case Name:

[1] Stephen Williams
[2] Gellizeau King
v
Kissanda Williams
(Substituted in place of Elste Elaine Williams)

[SVGHCVAP2019/0013]
(Saint Vincent and The Grenadines)

Date:

Tuesday, 24th September 2019

On paper:

Applicant: Mr. Richard O.F. Williams

Respondents: Ms. Kassinda Williams

Issue:

Application for extension of time to file notice of appeal

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 31st May 2019 is

hereby deemed properly filed.

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

Case Name: Nyasmeth John
v
The Queen
[SVGHCRA2018/0010]
(Saint Vincent and The Grenadines)

Date: Tuesday, 24th September 2019

On paper:
Applicant: In person

Issue: Application for bail pending appeal

Result/Order
: IT IS HEREBY ORDERED THAT:
The application for bail pending appeal is refused.

Reason: The Court was of the view that the applicant had not provided any evidence which, on the authority of The State v Lynette Scantlebury (1976) 2 WIR 103, reveals any exceptional circumstances for granting bail pending the hearing and determination of the appeal.

Case Name: Denzil Sam
v
The Queen

**[SVGHCRA2019/0012]
(Saint Vincent and The Grenadines)**

Date: Tuesday, 24th September 2019

On paper:

Applicant: In person

Respondent: The Director of Public Prosecutions

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

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for bail pending appeal is refused.
2. Leave is granted to the applicant to appeal against his conviction and sentence.
3. The applicant shall file and serve his notice of appeal within 21 days of this order.

Reason: The Court was satisfied that the applicant met the threshold requirements for the grant of leave to appeal against his conviction and sentence. The Court was also of the view that the applicant had not provided any evidence which, on the authority of The State v Lynette Scantlebury (1976) 2 WIR 103, reveals any exceptional circumstances for granting bail pending the hearing and determination of the appeal.

Case Name: Danile Baptiste
v
The Queen

**[SVGHCRA2019/0015]
(Saint Vincent and The Grenadines)**

Date: Tuesday, 24th September 2019

On paper:

Applicant: In person

Respondent: Director of Public Prosecutions

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. Leave is granted to the applicant to appeal against his sentence and conviction.
2. The applicant shall file and serve his notice of appeal within 21 days of this order.

Reason: The Court was satisfied that the applicant met the threshold requirements for the grant of leave to appeal against his conviction and sentence.

Case Name:

**Jervany Baptiste
v**

Commissioner of Police

**[SVGMCRAP2019/0037]
(Saint Vincent and The Grenadines)**

Date: Tuesday, 24th September 2019

On paper:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result / IT IS HEREBY ORDERED THAT:

Order:

1. The application for an extension of time within which to appeal against his sentence is granted.
2. The applicant shall file and serve his notice of appeal within 21 days of this order.

Reason:

The Court was satisfied that the applicant met the threshold requirements for the grant of an extension of time within which to appeal.

Case Name:

Fay-Ann Durham

v

Brian Davis

[SVGHCVAP2015/0015]

(Saint Vincent and The Grenadines)

Date:

Tuesday, 24th September 2019

On paper:

Applicant:

Ms. Maia Eustace

Issue:

Application by legal practitioner to be removed from record

Result / Order:

IT IS HEREBY ORDERED THAT:

The application by Ms. Maia Eustace to be removed from the record as counsel for the respondent is granted.

Reason:

The Court was satisfied that the applicant satisfied the requirements in rule 63.6 of the Civil Procedure Rules 2000.

Case Name: **Molecia Hunter**
v
The Commissioner of Police
[SVGMCRAP2019/0038]
(Saint Vincent and The Grenadines)

Date: **Tuesday, 24th September 2019**

On paper:
Applicant: **In person**
Respondent: **Director of Public Prosecutions**

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

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. The application for extension of time within which to appeal against sentence filed on 21st June 2019 is granted.
2. The applicant shall file and serve her notice of appeal within 21 days of the date of this order.

Reason: **The Court was satisfied that the applicant met the threshold requirements for the grant of an extension of time within which to appeal.**

Case Name: **Allan Wilson**
v
The Queen
[SVGHCRA2019/0004]
(Saint Vincent and The Grenadines)

Date: **Tuesday, 24th September 2019**

On paper:
Applicant: **In person**

Respondent: The Director of Public Prosecutions

Issue: Application for bail pending appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application for bail pending appeal is refused.

Reason: The Court was of the view that the applicant had not provided any evidence which, on the authority of The State v Lynette Scantlebury (1976) 2 WIR 103, reveals any exceptional circumstances for granting bail pending the hearing and determination of the appeal.

Case Name: Lennox Grant
v
Sacha Thomas-Robinson
[SVGMCVAP2019/0007]
(Saint Vincent and The Grenadines)

Date: Tuesday, 24th September 2019

On paper:
Applicant: In person

Issue: Application for extension of time within which to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall, within 14 days of the date of this order, provide proof of service of the application by letter filed on 16th May 2019 for an extension of time within which to seek leave to appeal on the respondent.

2. The application for an extension of time within which to seek leave to appeal is adjourned for further consideration at the next chamber sitting of this Court scheduled for 22nd October 2019.

Reason: There was no evidence of service of the application on the respondent.

Case Name: Devon Francios

V

The Commissioner of Police

**[SVGMCRAP2019/0023]
(Saint Vincent and The Grenadines)**

Date: Tuesday, 24th September 2019

On paper:

Applicant: In person

Respondent: The Director of Public Prosecutions

Issue: Application for extension of time within which to appeal

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

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

Reason: The applicant failed to comply with the previous orders of the Court directing him to file evidence by letter or otherwise outlining the reasons for his delay in filing an appeal and his proposed grounds of appeal.

Case Name:

Tyson John

v

The Queen

[SVGHCRAP2019/0019]

(Saint Vincent and The Grenadines)

Date:

Tuesday, 24th September 2019

On paper:

Applicant:

In person

Issue:

Application for extension of time within which to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

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

Reason:

The Court was satisfied that the applicant met the requirements for the grant of an extension of time to file the application for leave to appeal.

Case Name:

Terrence Smith

v

The Queen

[SVGHCRAP2019/0006]

(Saint Vincent and The Grenadines)

Date:

Tuesday, 24th September 2019

On paper:

Applicant:

In person

Respondent: The Director of Public Prosecutions

Issue: Application for bail pending appeal

Result / Order: IT IS HEREBY ORDERED THAT:

The application for bail pending appeal is refused.

Reason: The Court was of the view that the applicant had not provided any evidence which, on the authority of The State v Lynette Scantlebury (1976) 2 WIR 103, reveals any exceptional circumstances for granting bail pending the hearing and determination of the appeal.

Case Name: Kimron Thomas
v
The Commissioner of Police
[SVGMCRAP2019/0028]
(Saint Vincent and The Grenadines)

Date: Tuesday, 24th September 2019

On paper:
Applicant: In person

Issue: Application for leave to add additional grounds of appeal
– Application for bail pending appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court is to serve the applications to add additional grounds of

appeal and for bail pending the determination of the appeal both filed on 30th July 2019 on the Director of Public Prosecutions within 14 days of this order.

2. The applications to add additional grounds of appeal and for bail pending the determination of the appeal are adjourned for further consideration at the next chamber sitting of the Court scheduled for 22nd October 2019.

Reason: The Court noted that there was no evidence of service of the applications to add additional grounds and for bail pending the determination of the appeal on the Director of Public Prosecutions.

Case Name: Majid Abdalla Juma Al-Sari
v
Commercial Bank of Dubai
[BVIHCMAP2019/0008]
(Territory of the Virgin Islands)

Date: Tuesday, 24th September 2019

On paper:

Applicant: Lennox Panton

Respondent: Harney Westwood & Riegels LP

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

Result / Order: IT IS HEREBY ORDERED THAT:
The application for Lennox Paton to be removed from the record as counsel for the appellant is granted.

Reason: The Court was satisfied that the applicant satisfied the requirements in rule 63.6 of the Civil Procedure Rules 2000.

Case Name: **Myett's Enterprises Ltd**
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, 24th September 2019

On paper:
Applicant: Mr. Frank Walwyn (Dancia Penn & Co)

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant is granted leave to appeal the judgment of Master Ermin Moise dated 8th July 2019.
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

requirements for the grant of leave to appeal.

Case Name: **Emmerson International Corporation**
Respondent/Appellant
v
ABC Grandeservus Limited
Applicant/Respondent

[BVIHCMAP2019/0017]
(Territory of the Virgin Islands)

Date: **Tuesday, 24th September 2019**

On paper:

Applicant/Respondent: **Ms. Coleen Farrington**

Respondent/Appellant: **Mr. Timothy Wright**

Issue: **Application for extension of time to file and serve submissions in opposition to appeal – Application for leave to appeal – Application for extension of time to file counter-appeal**

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

- 1. The applicant shall provide this Court with proof of service of the application for extension of time to file and serve written submissions in opposition to the appeal on Emmerson International Corporation within 14 days of the date of this order.**
- 2. The application for extension of time is adjourned for further consideration to the next chamber hearing of this Court scheduled for 22nd October 2019.**

Reason: The Court noted that there was no evidence of service of the application for an extension of time on the appellant.

Case Name: [1] Sylvia Maduro-Dale
[2] Lucia Chalwell
v
The Registrar of Lands
[BVIHCVAP2010/0022]
(Territory of the Virgin Islands)

Date: Tuesday, 24th September 2019

On paper:
Applicant: JS Archibald & Co.
Respondent: Mrs. Joanne Williams-Roberts

Issue: Application to be removed from the record as legal practitioner

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant shall serve the application and the affidavit in support and shall thereafter file an affidavit evidencing such service.
2. The application to be removed from the record is adjourned for further consideration to the next chamber hearing of this Court scheduled for 22nd October 2019.

Reason: The Court noted that there was no evidence of service of the application to be removed from the record on the appellants in accordance with rule 63.6(2) and 63.6(3) of the Civil Procedure Rules 2000.