

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING

ANTIGUA AND BARBUDA

8th January 2020

Case Name: Treetops Garden Centre Limited
v
St. John's Development Corporation

[ANUHCVP2014/0033]

Date: Wednesday, 8th January 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Ms. Joanne Massiah
Respondent:	Mr. Damien Benjamin

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

Upon the Court noting the indication from counsel that the parties are in settlement discussions and request an adjournment to continue the same, the matter is adjourned to the next status hearing of the Court in Antigua and Barbuda scheduled for 18th May 2020, unless a consent order is sooner filed.

Reason: Counsel for the appellant requested an adjournment since

the parties are engaged in active settlement discussions.

Case Name: **Jessica Hood**
v
[1] Free Trade and Processing Zone Commission
[2] Houghton Forde
[3] Vere Carbon
[4] Angella Gonsalves
[ANUHCVP2012/0018]

Date: **Wednesday, 8th January 2020**

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

Appearances:
Appellant: **Mr. Jarid Hewlett holding for Dr. David Dorsett**
Respondents: **Ms. Chantal Thomas holding for Ms. Kema Benjamin for the third respondent**
No appearance for the other respondents

Issues: **Status of the matter**

Type of Order: **Adjournment**

Result / Order: **IT IS HEREBY ORDERED THAT:**
The matter is adjourned to the next status hearing of the Court in Antigua and Barbuda scheduled for 18th May 2020.

Reason: **Counsel for the appellant indicated that he intends to file a Notice of discontinuance within 7 days of today's date; however, the issue of the counter appeal remains. Counsel for the third respondent had no instructions in relation to the counter appeal.**

Case Name: **Flat Point Development Limited**
v
Mary Dooley

[ANUHCVP2018/0033]

Date: **Wednesday, 8th January 2020**

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

Appearances:

Appellant:	Ms. Abiola Kienesberger representative of the appellant appearing in person and unrepresented
Respondent:	Ms. Amina M. Byron

Issues: **Status of the matter**

Type of Order: **Directions**

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

1. The appellant is at liberty to file and serve written submissions with authorities on or before 20th March 2020.
2. The respondent shall file and serve written submissions with authorities on or before 20th April 2020.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary on or before 6th May 2020.
4. The hearing of the appeal is fixed for the Court of Appeal sitting in Antigua and Barbuda during the week commencing 25th May 2020.

Reason: **The representative of the appellant indicated that the appellant intends to obtain legal representation. Counsel for the respondent requested that directions be given for the filing of submissions.**

Case Name:

**[1] Rona Henry
[2] Eric Henry
v
Tropic Builders Limited**

[ANUHCVP2018/0046]

Date: **Wednesday, 8th January 2020**

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

Appearances:
Appellants: **Ms. Kalisia Marks**

Respondent: **Mr. John Fuller**

Issues: **Status of the matter**

Type of Order: **Adjournment**

Result / Order:
IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next status hearing of the Court in Antigua and Barbuda scheduled for 18th May 2020 to allow the respondent to regularize its representation.

Reason: **A complete record of appeal had not been prepared as counsel for the appellant has not received a response from the respondent. Counsel for the respondent indicated that he is not in a position to continue to represent the respondent and the process of obtaining new representation is almost complete.**

Case Name: Yida Zhang
v
Lux Location Limited
[ANUHCVP2018/0013]

Date: Wednesday, 8th January 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Jarid Hewlett holding for Dr. David Dorsett
Respondent: Mr. Andrew O’Kola

Issues: Status of the matter

Type of Order: Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next status hearing of the Court in Antigua and Barbuda scheduled for 18th May 2020, unless the decision of Robertson J is sooner delivered to allow the matter to come up for hearing at the Court of Appeal sitting in Antigua and Barbuda scheduled for the week commencing 13th January 2020.

Reason: Counsel for the respondent requested for the matter to be adjourned pending the High Court’s decision. Having already filed submissions, counsel for the respondent desired the Court to consider listing the matter for hearing during the week commencing 13th January 2020 as he has been advised by the judge that the pending judgment would soon be delivered.

Case Name:

Paul Chet Green

v

[1] Omari Samuel

[2] Ansely Charles

[ANUHCVP2018/0019]

Date:

Wednesday, 8th January 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Chantal Thomas, Marshall & Co

Respondents: No appearance; Mr. Dexter Wason on record

Issues:

Status of the matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The respondents shall file and serve written submissions with authorities on or before 10th February 2020.**
- 2. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary on or before 25th February 2020.**
- 3. The hearing of the appeal is fixed for the Court of Appeal sitting in Antigua and Barbuda during the week commencing 25th May 2020.**

Reason:

The respondent was served with the record of appeal on 30th December 2019, although the submissions were served on 1st October 2019. Therefore, the respondent ought to be given time to file its submissions. The Court took the view that it would not be possible for the matter to be listed for hearing during the following week.

Case Name:

Ian Hughes

v

The Queen

[ANUHCRA2018/0003]

Date:

Wednesday, 8th January 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Kalisia Marks holding for Ms. Tana'ania Small-Davis

Respondent: Ms. Rashida Jonas holding for the Director of Public Prosecutions

Issues:

Status of the matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar is directed to continue efforts to retrieve the notes of evidence from the judge relative to the visit to the locus.**
- 2. The matter is adjourned to the next status hearing of the Court in Antigua and Barbuda scheduled for 18th May 2020.**

Reason:

A request was made for the transcript for the visit to the locus or alternatively the judge's notes of evidence from the visit. Counsel has not received either and is therefore unable to proceed in the absence of the same.

Case Name:

**The Queen
v
Shane Williams**

[ANUHCRA2018/0011]

Date: **Wednesday, 8th January 2020**

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

Appearances:

Appellant:	Ms. Rashida Jonas holding for the Director of Public Prosecutions
Respondent:	No appearance

Issues: **Status of the matter**

Type of Order: **Directions**

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

- 1. The appeal is adjourned to the next sitting of the Court of Appeal in Antigua and Barbuda during the week commencing 13th January 2020.**
- 2. The Registrar of the High Court is to continue the efforts to serve the respondent.**

Reason: **The respondent has continued to evade service.**

Case Name:

Edwin Gomez

v

The Queen

[ANUHCRA2014/0012]

Consolidated with

Isiah Benjamin

v

The Queen

[ANUHCRA2014/0013]

Date:

Wednesday, 8th January 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Mr. Sherfield Bowen for Mr. Edwin Gomez;
Mr. Isiah Benjamin appearing in person, Mr. Michael Archibald on record.

Respondent: Ms. Rashida Jonas holding for the Director of Public Prosecutions

Issues:

Status of the matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The appellants shall file and serve written submissions with authorities on or before 10th February 2020.**
- 2. The respondent shall file and serve written submissions with authorities on or before 10th March 2020.**
- 3. The appellants are at liberty to file and serve written submissions, with authorities, in reply if necessary on or before 25th March 2020.**
- 4. The hearing of the appeal is fixed for the next**

**Court of Appeal sitting in Antigua and Barbuda
during the week commencing 25th May 2020.**

Reason: Representation having been regularized for Mr. Benjamin;
the parties are prepared to proceed with the matter.

Case Name: The Director of Public Prosecutions
v
[1] Alphonso Ryan
[2] Larrydow Jacobs
[3] Kenneth Hughes
[ANUHCRA2019/0001]

Date: Wednesday, 8th January 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Rashida Jonas holding for the Director of Public Prosecutions

Respondents: Mr. Alphonso Ryan appearing in person, Mr. Ralph Francis on record.
Mr. Larrydow Jacobs appearing in person and unrepresented
Mr. Kenneth Hughes appearing in person, Mr. Michael Archibald on record

Issues: Status of the matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written

submissions with authorities on or before 10th February 2020.

2. The respondents shall file and serve written submissions with authorities on or before 10th March 2020.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary on or before 25th March 2020.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 25th May 2020.

Reason: The respondents had been duly served and all parties had a copy of the transcript. The parties are therefore ready to proceed with the matter.

Case Name: Lev Josiah
v
The Commissioner of Police

[ANUMCRAP2017/0005]

Date: Wednesday, 8th January 2020

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	No appearance, Mr. John Fuller on record
Respondent:	Ms. Rashida Jonas holding for the Director of Public Prosecutions

Issues: Status of the matter

Type of Order: Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 10th February 2020.
2. The respondent shall file and serve written submissions with authorities on or before 10th March 2020.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary on or before 25th March 2020.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 25th May 2020.
5. The Registrar of the High Court shall serve a copy of this order on the appellant personally and shall provide proof of service thereafter.

Reason:

The record of appeal was prepared and the matter was ready to proceed.

Case Name:

Maridette Roberts

v

Jowawa Spencer

[ANUMCVAP2017/0001]

Date:

Wednesday, 8th January 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance, Ms. Watissa Rose of the Legal Aid Centre on record

Respondent: No appearance

Issues:

Status of the matter

Type of Order:

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 10th March 2020.
2. The respondent is at liberty to file and serve written submissions with authorities on or before 10th April 2020.
3. The appellant is at liberty to file and serve written submissions with authorities in reply if necessary on or before 27th April 2020.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 25th May 2020.
5. The Registrar of the High Court shall serve a copy of this order on the respondent personally and shall provide proof of service thereafter.

Reason:

The respondent has been evading service. The matter however is ready to proceed.

Case Name:

**Alvin Thomas
v
Karen Cabral Thomas**

[ANUMCVAP2016/0001]

Date:

Wednesday, 8th January 2020

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Chantal Thomas holding for Ms. Kema Benjamin

Respondent: No appearance

Issues: **Status of the matter**

Type of Order: **Directions**

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

1. The appellant shall file and serve written submissions with authorities on or before 10th March 2020.
2. The respondent is at liberty to file and serve written submissions with authorities on or before 10th April 2020.
3. The appellant is at liberty to file and serve written Submissions, with authorities, in reply if necessary on or before 27th April 2020.
4. The hearing of the appeal is fixed for the Court of Appeal sitting in Antigua and Barbuda during the week commencing 25th May 2020.
5. The Registrar of the High Court shall serve a copy of this order on the respondent personally and shall provide proof of service thereafter.

Reason: **There was no proof of service on the respondent.**

Case Name: **Gervon Archibald**
v
[1] Claudette Barnes
[2] The District Magistrate
[ANUMCVAP2013/0004]

Date: **Wednesday, 8th January 2020**

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

Appearances:
Appellant: **No appearance**

Respondents: Ms. Sherry-Ann Bradshaw for the first respondent (first respondent present)
No appearance for the second respondent

Issues: Status of the matter

Type of Order: Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall file and serve written submissions with authorities on or before 10th March 2020.
2. The respondents are at liberty to file and serve written submissions with authorities on or before 10th April 2020.
3. The appellant is at liberty to file and serve written submissions, with authorities, in reply if necessary on or before 27th April 2020.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Antigua and Barbuda during the week commencing 25th May 2020.
5. The Registrar of the High Court shall serve a copy of this order on the appellant personally and shall provide proof of service thereafter.

Reason: The record of appeal has been prepared; however, the bailiff has been unable to serve the appellant.

Case Name:

**[1] Lionel Mason
[2] Westerby Mason
v
Aloma Stanislaus**

[ANUHCVP2017/0004]

Date: **Wednesday, 8th January 2020**

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

Appearances:

Appellants: **Mr. Westerby Mason and Mr. Lionel Mason appearing in person; Mr. Dane Hamilton on record for both appellants**

Respondent: **No appearance, Mr. Cosbert Cumberbatch on record**

Issues: **Status of the matter**

Type of Order: **Directions**

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

Upon the Court noting the indication from the appellants that they no longer wish to proceed with the appeal as the matter has been settled, the appeal is withdrawn and dismissed as of 8th January 2020.

Reason: **The appellants indicated that they did not wish to proceed with the appeal as an agreement had been reached with the respondent.**