

EASTERN CARIBBEAN SUPREME COURT STATUS HEARING

**SAINT LUCIA
11th and 12th NOVEMBER 2019**

Case Name:

**RAMESH SINANAN
V
MONROE COLLEGE LTD.**

[SLUHCVP2017/0023]

Date:

Monday, 11th November 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Rowana-Kay Campbell

Respondent: Ms. Sueanna Frederick

Issue:

Status of the matter

Type of Order:

Adjournment

Result / Order:

Upon the Court noting the indication of counsel that a consent order will be filed in this matter, the matter is adjourned to next Status Hearing of the Court of Appeal scheduled for 2nd March 2020, unless a consent order is sooner filed.

Reason:

Counsel for both parties have agreed to settle the matter and will file a consent order for approval by Friday 15th November 2019.

Case Name:

**CYNTHIA PAUL
V
1. THE NEW INDIA ASSURANCE CO.
(TRINIDAD & TOBAGO) LTD.
2. S & A INSURANCE BROKERS LTD.**

[SLUHCVAP2015/0007]

Date:

Monday, 11th November 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Ms. Sueanna Frederick holding for Mr. Dexter Theodore QC for the first respondent

Issue:

Status of the matter

Type of Order:

Adjournment

Result / Order:

Upon the Court noting that there is a pending application filed by the first respondent on the 23rd October 2019 for the appeal to be dismissed, the matter is adjourned to the next Chamber Hearing scheduled for 17th December 2019.

Reason:

There is a pending application which was filed by the first respondent on the 23rd October 2019, for the appeal to be dismissed.

Case Name:

**1. NETWORK CONSTRUCTION
MAINTENANCE & REHABILITATION
LIMITED
2. GREGORY LAUGHAN FEVRIER
V
CABLE & WIRELESS (ST. LUCIA) LIMITED
[SLUHCVAP2016/0001]**

Date: Monday, 11th November 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants:	Ms. Sueanna Frederick holding papers for Mr. Dexter Theodore QC
Respondent:	No appearance

Issue: Status of the matter

Type of Order: Directions

Result / Order:

1. The parties shall finalise the agreed notes of evidence in this matter and provide the Court with the same on or before 31st December 2019.
2. The appellants shall file and serve the record of appeal including the judge's notes of evidence and the agreed notes of the parties, on or before 31st January 2020.
3. The appellants shall file and serve written submissions with authorities on or before 28th February 2020.
4. The respondent shall file and serve written submissions with authorities on or before the 30th March 2020.
5. The appellants are at liberty to file written submissions with authorities in reply, if necessary, on or before the 13th April 2020.
6. The hearing of the appeal is fixed for the Court of Appeal sitting in Saint Lucia during the week commencing 6th July 2020.

Reason: The appellants are in receipt of the notice of availability of transcript. The transcript has neither been paid for nor collected. The appellants are also in receipt of handwritten notes of evidence which are being transcribed.

Case Name:

**1. FAST KAZ AUTO SUPPLIES
LIMITED
2. CURTIS HUDSON
3. BRYAN JAMES
4. JAMES ENTERPRISES LIMITED
V
THE ATTORNEY GENERAL**

[SLUHCVAP2018/0040]

Date:

Monday, 11th November 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Mr. Horace Fraser

Respondent: Ms. Antonia Charlemagne

Issue:

Status of the matter

Type of Order:

Directions

Result / Order:

- 1. The respondent shall file and serve written submissions with authorities on or before 29th November 2019.**
- 2. The appellants are at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 16th December 2019.**
- 3. The hearing of the appeal is fixed for the next Court of Appeal sitting in Saint Lucia during the week commencing 9th March 2020.**

Reason:

The appellants filed written submissions on 29th October 2019. The respondent has not yet filed submissions in reply.

Case Name: THE ATTORNEY GENERAL OF SAINT LUCIA
V
1. GODFREY FERDINAND
2. TAMAR FERDINAND ACTING HEREIN
BY HER NEXT FRIEND GODFREY
FERDINAND

[SLUHCVAP2018/0032]

Date: Monday, 11th November 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Antonia Charlemagne

Respondent: Mr. Horace Fraser holding papers for Mr. Leslie Prospere

Issue: Status of the matter

Type of Order: Directions

Result / Order:

1. The appellant shall filed and serve written submissions with authorities on or before 11th December 2019.
2. The respondents shall file and serve written submissions with authorities on or before 13th January 2020.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 28th January 2020.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Saint Lucia during the week commencing 9th March 2020.

Reason: The record of appeal has been prepared and was filed on 12th February 2019.

Case Name:

**1. ANDREW LAURENT
2. BRENT LAURENT
V
CARIBBEAN METALS LTD.**

[SLUHCVAP2012/0017]

Date:

Monday, 11th November 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Horace Fraser

Respondent: No appearance

Issue:

Status of the matter

Type of Order:

N/A

Result / Order:

The matter is removed from the Status Hearing list.

Reason:

A consent order was finalized and has been filed but had not received by the Court of Appeal Registry. Counsel was directed to have the order emailed to the Court of Appeal Registry, for it to be placed before the Court for consideration.

Case Name:

**1. SEAFARI ST LUCIA LIMITED
2. RODNEY BAYSIDE LIMITED
3. MARCARIUS JOINVILLE
V
1. THE HARBOUR PROPRIETORS
UNIT PLAN NO. 2/2008 OTHERWISE
KNOWN AS THE HARBOUR
CONDOMINIUM
2. MICHAEL WHITFIELD**

[SLUHCVAP2016/0008]

Date: Monday, 11th November 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mr. Leslie Prospere holding a watching brief for the respondent

Issue: Status of the matter

Type of Order: Adjournment

Result / Order: The matter is adjourned to the next Status Hearing of the Court of Appeal in Saint Lucia during the week commencing 2nd March 2019 unless a consent order is sooner filed.

Reason: At the last hearing of this matter, it was noted that the parties were engaged in settlement discussions. The Court has not been made aware of any developments in those discussions.

Case Name:

1. AGATHA PETER
2. THOMAS FRANCIS
3. ANDREW FATAL
4. EMMA FRANCIS
5. CINDY FRANCIS
6. FLAVIA FRANCIS
7. SANDRA DIDIER
8. SOERIA PETER
9. GEMMA HUNTE
10. CELIA CADETTE
11. JAVIN CADETTE
12. FRANCISCA FRANCIS

V

1. ANSONIA LYDIA CHARLES
2. GUY CHARLES
3. ROCKFORD CLARKE
4. PATSY H. CYRIL
5. ERNEST C. CHARLES
6. ANSELMA V. CHARLES
7. BRENDA D. CHARLES

[SLUHCVAP2018/0004]

Date: Monday, 11th November 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	No appearance
Respondent:	Mrs. Wauneen Louis-Harris for the first respondent

Issue: Status of the Matter

Type of Order: Directions

Result / Order:

1. The appellant shall file and serve written submissions with authorities on or before 11th December 2019.
2. The respondent shall file and serve written submissions with authorities on or before 13th January 2020.
3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before 28th January 2020.
4. The hearing of the appeal is fixed for the next Court of Appeal sitting in Saint Lucia during the week commencing 9th March 2020.
5. The Registrar of the High Court shall serve a copy of this order on the appellant and shall file proof of service thereafter.
6. The Registrar of the High Court shall serve a copy of this order and a notice of hearing on the third, fourth, fifth, sixth and seventh respondents by two consecutive publications in the Gazette, and shall provide proof of

service thereafter.

Reason: The record of appeal has been prepared and filed. By order of Michel JA, the appellants were permitted to serve the notice of appeal on the third to seventh respondents via publications in the Gazette and a local newspaper. The Court noted that, to date, no address for service has been provided for the third to seventh respondents.

Case Name: **DEBBION ELESIA CRISP (ALSO KNOWN AS
DEBBION ELISIA BOWRIN)
V
ROSS BOWRING
[SLUHCVAP2017/0037]**

Date: Monday, 11th November 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Ms. Ann-Alicia Fagan
Respondent: Ms. Maureen John-Xavier

Issue: Status of the matter

Type of Order: Adjournment

Result / Order: Upon the Court noting the indication of counsel that the parties are engaged in settlement discussions, the hearing of the appeal is adjourned to the next Court of Appeal sitting in Saint Lucia scheduled for 9th March 2020 unless a consent order is sooner filed.

Reason: The matter was to be heard at the Court of Appeal

sitting in November 2019. Counsel has indicated that settlement discussions are ongoing and therefore requested that the matter be adjourned pending the filing of a consent order.

Case Name:

**LINUS FELIX
V
HILDREE EDWARD**

[SLUHCVP2014/0006]

Date:

Monday, 11th November 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mrs. Wauneen Louis-Harris,

Respondent: Mr. Hildree Edward, in person

Issue:

Status of the matter

Type of Order:

Directions

Result / Order:

- 1. The appellant shall serve a copy of the record of appeal, written submissions and authorities on the respondent, personally, on or before 29th November 2019.**
- 2. The respondent is at liberty to file and serve written submissions with authorities on or before 6th January 2020.**
- 3. The appellant is at liberty to file and serve written submissions with authorities in reply, if necessary, on or before the 21st January 2020.**
- 4. The hearing of this appeal is fixed for the next Court of Appeal sitting in Saint Lucia during the week commencing 9th March 2020.**

Reason:

The record of appeal has been filed since 2017. The

respondent was served with a copy of the record of appeal. No submissions had been filed by either side.

Case Name:

LAZARUS PAUL

V

- 1. RACQUEL WILLIE-TROTMAN**
- 2. DOUGLAS TROTMAN**
- 3. TEFERI TROTMAN (MINOR ACTING
HEREIN AND REPRESENTED BY
HIS MOTHER RACQUEL WILLIE-
TROTMAN)**

[SLUHCVAP2017/0049]

Date:

Monday, 11th November 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mrs. Wauneen Louis-Harris

Issue:

Status of the matter

Type of Order:

Adjournment

Result / Order:

The matter is adjourned to the next Status Hearing of the Court of Appeal in Saint Lucia during the week commencing 2nd March 2020.

Reason:

The appellant was not present to give an update on the status of the matter.

Case Name:

JAN ISIDORE

V
THE QUEEN
[SLUHCRAP2016/0007]

DARLINGTON NOEL
V
THE QUEEN
[SLUHCRAP2016/0008]

Date: Tuesday, 12th November 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants:	Mr. Alberton Richelieu (not yet on record)
Respondent:	Mr. Kenroy Justin, for the Director of Public Prosecutions

Issue: Status of the matter

Type of Order: N/A

Result / Order: Upon the Court noting the pending application before the Court, the matter is removed from the Status Hearing list until the determination of the application.

Reason: Mr. Richelieu has filed an application for his appointment as counsel for the appellants in the matter. The application is yet to be determined by the Court.

Case Name:

SHANE VERNEUIL
V
CHEXTER SIMEON PC666 (THE POLICE)
[SLUMCRAP2016/0005]

Date: Tuesday, 12th November 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Mr. Alberton Richelieu
Respondent:	Mr. Kenroy Justin on behalf of the Director of Public Prosecutions

Issue: Status of the matter

Type of Order: Oral Judgment

Result / Order: UPON READING the Notice of Discontinuance filed by the appellant on 5th November 2019;

AND UPON NOTING the affidavit of service of Deidrian Phillip filed by the appellant on 6th November 2019 evidencing service of the Notice of Discontinuance on the respondent on 5th November 2019;

IT IS HEREBY ORDERED:
The matter is withdrawn and dismissed as of 12th November 2019.

Reason: A notice of discontinuance had been filed. The Court was in receipt of an affidavit of service on the respondent.

Case Name:

**CHRISTINE LEWIS
V
THE POLICE (CHESTER SIMEON PC 666)**

[SLUMCRAP2016/0006]

Date: Tuesday, 12th November 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Mr. Alberton Richelieu
Respondent:	Mr. Kenroy Justin for the Director of Public Prosecutions

Issue: Status of the matter

Type of Order: Oral Judgment

Result / Order: UPON READING the Notice of Discontinuance filed by the appellant on 5th November 2019;

AND UPON NOTING the affidavit of service of Deidrian Phillip filed by the appellant on 6th November 2019 evidencing service of the Notice of Discontinuance on the respondent on 5th November 2019;

IT IS HEREBY ORDERED:
The matter is withdrawn and dismissed as of 12th November 2019.

Reason: A notice of discontinuance had been filed. The Court was in receipt of an affidavit of service on the respondent.

Case Name:

**CURLAN JOSEPH
V
THE QUEEN
[SLUHCRA2015/0004]**

**CLINTON GILBERT
V
THE QUEEN
[SLUHCRA2015/0005]**

Date: Tuesday, 12th November 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellants: Mr. David Moyston for Curlan Joseph

Respondent: Mr. Kenroy Justin on behalf of the Director of Public Prosecutions

Issue: Status of the matter

Type of Order: Adjournment

Result / Order: The appeal is adjourned to the next Status Hearing of the Court of Appeal in Saint Lucia scheduled for the week commencing 2nd March 2020.

Reason: On the last occasion, legal practitioner for Clinton Gilbert had indicated his intention to remove himself from the record as attorney. The matter was adjourned for Mr. Gilbert to seek legal representation. Mr. Gilbert remains unrepresented.

Case Name:

**GLENROY SHAWN VICTOR
V
THE QUEEN
[SLUHCRA2014/0001]**

Date: Tuesday, 12th November 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Alfred Alcide
Respondent: Mr. Kenroy Justin on behalf of the Director of Public Prosecutions

Issue: Status of the matter

Type of Order: Directions

Result / Order:

1. The respondent shall file and serve written submissions with authorities on or before 20th November 2019.
2. The appellant is at liberty to file written submissions with authorities in reply, if necessary, on or before 22nd November 2019.
3. The hearing of the appeal is fixed for the next Court of Appeal sitting in Saint Lucia during the week commencing 25th November 2019 for a duration of 2 hours.

Reason: Record of appeal has been prepared. Skeleton submissions have been filed on 23rd May 2018. On the last occasion, the hearing of the appeal was adjourned at the request of the respondent. To date, the respondent has not filed submissions.

Case Name: JABEZ FREDERICK
V
PC 600 ST. AIMEE
[SLUMCRAP2014/0015]

Date: Tuesday, 12th November 2019

Before: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: Mr. Alfred Alcide

Respondent: Mr. Kenroy Justin on behalf of the Director of Public

Prosecutions

Issue:	Status of the matter
Type of Order:	Directions
Result / Order:	1. The Chief Magistrate shall cause the record of appeal including the notes of evidence and reasons for decision to be prepared and served on the parties no later than 31st December 2019, failing which the Chief Magistrate shall provide affidavit evidence as to the reason for non-compliance. 2. The matter is adjourned to the next Status Hearing scheduled for the week commencing 2nd March 2020.
Reason:	At the last Status Hearing there was an order that the transcript be prepared and sent to the parties. This order has not been complied with.
Case Name:	MAHMOUD SELIM V NERSHA DUNCAN WPC 297 [SLUMCRAP2015/0010]
Date:	Tuesday, 12th November 2019
Before:	Mrs. Michelle John-Theobalds, Chief Registrar
Appearances:	
Appellant:	No appearance
Respondent:	Mr. Kenroy Justin on behalf of the Director of Public Prosecutions
Issue:	Status of the matter

Type of Order:

Oral Judgment

Result / Order:

UPON HEARING Mr. Kenroy Justin, counsel for the respondent;

UPON NOTING that there was no appearance on behalf of or by the appellant;

UPON NOTING that the appellant has not taken any steps to advance his appeal since 23rd March, 2018 when the Record of Appeal was filed;

UPON NOTING the order of the Court dated 21st June, 2019 made in the presence of counsel for the appellant, that the matter was adjourned to the next Status Hearing of the Court in Saint Lucia for the appellant to appear to indicate whether he intends to prosecute the matter;

UPON NOTING that the appellant has not complied with the order dated 21st June, 2019 and has failed to appear to indicate whether he is still interested in prosecuting his appeal;

AND UPON NOTING the oral application by the respondent that the matter be dismissed for want of prosecution;

IT IS HEREBY ORDERED THAT:

The appeal is dismissed for want of prosecution.

Reason:

On the last occasion an order was made for the appellant to appear to indicate whether he wished to proceed with the matter.

Case Name:

**PROCESSUS JN BAPTISTE
V
THE POLICE (PC 797 HENRY)
[SLUMCRAP2016/0007]**

Date:

Tuesday, 12th November 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In person

Respondent:

Mr. Kenroy Justin on behalf of the Director of Public Prosecutions

Issue:

Status of the matter

Type of Order:

Directions

Result / Order:

- 1. The registrar of the High Court shall serve a copy of the record of appeal on the appellant on or before the 2nd December 2019 and shall provide proof of service thereafter.**
- 2. The appellant shall file and serve written submissions with authorities on or before 6th January 2020.**
- 3. The respondent shall file and serve written submissions with authorities on or before 6th of February 2020.**
- 4. The appellant is at liberty to file and serve written submissions with authorities in reply if necessary on before 21st February 2020.**
- 5. The hearing of the appeal is fixed for the next Court of Appeal sitting in Saint Lucia during the week commencing 9th of March 2020.**

Reason:

On the last two occasions, the matter was adjourned for Mr. Jn. Baptiste to retain counsel. Mr. Jn. Baptiste has retained counsel. The record of appeal has been prepared but there is no evidence of service on the

appellant.

Case Name:

**LON OCTAVE
V
WPC 816 MANGAL**

**[SLUMCRAP2018/0004]
[SLUMCRAP2018/0005]**

Date:

Tuesday, 12th November 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

No appearance

Respondent:

Mr. Kenroy Justin on behalf of the Director of Public Prosecutions

Issue:

Status of the matter

Type of Order:

Directions

Result / Order:

- 1. Upon the court noting that the appellant was not served with a notice of hearing for today. The matter is adjourned to the next Status Hearing of the Court of Appeal in Saint Lucia during the week commencing 9th March 2020.**
- 2. The Registrar of the High Court shall serve a copy of this order and a notice of hearing on the appellant, personally, and shall proof of service thereafter.**

Reason:

Appellant was not served and the appellant's counsel was not present.

Case Name:

**KENNETH MAYERS
V
ANDRE REGIS PC 610
[SLUMCRAP2018/0002]**

Date:

Tuesday, 12th November 2019

Before:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mr. Kenroy Justin on behalf of the Director of Public Prosecutions

Issue:

Status of the matter

Type of Order:

Directions

Result / Order:

1. Upon the Court noting that the appellant has taken no further steps to prosecute the appeal, since the record of appeal was filed on the 15th of May 2018, the matter is adjourned to the next Status Hearing of the Court scheduled for the week commencing 2nd March 2020, for the appellant to indicate whether he is still interested in prosecuting his appeal.
2. The Registrar of the High Court shall serve a copy of this order and a notice of hearing on the appellant personally and shall provide proof of service thereafter.

Reason:

The record of appeal was filed on 15th May 2018. There is no indication that the appellant was served with the notice of appeal. The appellant on the last occasion indicated that they intended to discontinue the appeal. Nothing has been filed. The Crown requested that the appeal be dismissed for want of prosecution given that no action has been taken on

this appeal since the record of appeal was filed in 2018.