

CHAMBER HEARING

OCTOBER 2018

MATTERS DEALT WITH BY VIDEOCONFERENCE

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

Case Name:

[1] Skynet Ltd.	
[2] Glory Trading Holding Ltd.	
	Appellant/Applicant
[3] Oleg Dovbnya	
[4] Balthasar Hefti	
	v
[1] Global Skynet International Ltd.	
[2] Alexander Bloch	
	Respondents

[AXAHCVP2018/0012]
(Anguilla)

Date: Tuesday, 23rd October 2018

Appearances:

Applicant:	Ms. Tara Carter (Carter & Associates)
Respondents:	Ms. Jean M. Dyer (JM Dyer & Co.)

Issue: Application for stay of execution

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for a stay is denied.
2. Costs is agreed to USD\$1,000.00 to the respondent.

Reason:

The appellant, Glory Trading Holding Ltd. applied to this Court for a stay of execution in respect of the orders in the judgment of Ramdhani J [Ag.]. Counsel for the respondent took the point which Counsel for the applicant has conceded that the court cannot stay declaratory orders. In that context, the orders referred to are orders in paragraphs 1,3, 4 and 5. The Court will first look at the principles which both sides are in fact have agreed on which govern the grant of a stay. These principles are well-known and were summarized by Clarke LJ in the case of *Hammond Suddard Solicitors v Agrichem International Holdings Ltd.* [2001] All ER (D) 258. Unless the appeal court or the court below orders otherwise, an appeal does operate as a stay of execution of the orders of the court below. The grant of a stay is a matter of discretion. The court needs to balance the risks of injustice which may be occasioned by the grant or the refusal of a stay. The obvious risk of injustice if a stay is refused is that the appeal may be stifled. The obvious risk of injustice if the stay is granted is that after an unsuccessful appeal, the respondent will be unable to enforce the judgment. In *Hammond* the court emphasized the need for cogent evidence in support of a stay. The evidence has to be full, frank and clear. The full, frank and clear evidence referred to must go to the extent of the risks of injustice which the withholding of the stay would engage. Whether the Court should exercise its discretion to grant a stay will depend on all the circumstances of the case, but the essential test is whether there is a risk of injustice to one or both parties if it grants or were to refuse a stay. It is important for the court to look at the evidential basis which has been proffered in support of the application for a stay. As was stated, the evidence must be full, frank and clear – cogent. In that regard, we look at the evidence in the affidavit in support of Mr. Andrey Kravchuk. Counsel for the applicant has referred the Court to paragraph 7 of the affidavit which Counsel states provides the evidential basis in support of the application. I will recite this paragraph:

“I have sought this stay on an urgent basis because the risk of prejudice and injustice to the appellant is overwhelming. If the changes are made to Skynet Ltd. as set out in the conclusion of the judgment, then they will lose the land in Israel

without an opportunity to appeal the judgment. It would render the appeal nugatory. The appellant would be completely deprived of its only asset. The risk of injustice is greater to the appellant. I crave this Court's ruling on an urgent basis to grant the stay."

Counsel for the respondent pointed out that paragraph 7 and the evidence stated therein does not rise to the occasion. It does not speak to the full, frank and clear evidence which is an imperative in such applications. It is not cogent enough and in essence what is there are conclusions without a factual basis to support the conclusions therein stated. Counsel for the applicant posited that the particular facts of this case warrants the conclusions which are stated at paragraph 7. I have looked at the paragraph and I have listened to the submissions on this point and I have also read the submissions of both sides in the matter and have taken into account all the circumstances of the case. I am of the view that the evidence which is relied on does not satisfy the evidential basis for the grant of a stay. It is not full, frank and clear. It lacks cogency. It is in essence conclusionary. Also, Ms. Dyer did remind the Court that the appellant in this case is Glory Trading Holding Ltd. and that the change in ownership and control of Skynet Ltd. would have no impact on the prosecution of the appeal because the appellant before the Court is Glory Trading. This is a point I note. Having come to the conclusion that the evidential basis for the grant of a stay is absent. It goes without saying that this Court finds itself not in a position to grant the stay requested. Even if the Court goes on to consider all of the other factors such as the prospect of success, the Court is not to conduct a minute examination of the matter in respect of chances of success. Taking all the matters into account, the Court in the exercise of its discretion refuses the application for a stay. Finally, by way of repetition, the absence of an evidential basis – the evidence does not rise to the level of cogency – full, frank and clear evidence to ground the application. Accordingly, the application is refused.

Case Name: Grenada Building and Loan Association
v
Grenada Co-operative Bank Limited
[GDAHCVAP2018/0013]
(Grenada)

Date: Tuesday, 23rd October 2018

Appearances:
Applicant: Ms. Claudette Joseph (Amicus Attorneys)
Respondent: Mrs. Anyika Johnson-Cassone (Ciboney Chambers)

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The Court grants leave to the applicant to withdraw the notice of application for leave to appeal.
2. No order as to costs.

Reason: The Court was satisfied that leave was not required to appeal.

MATTERS DEALT WITH ON PAPER

Case Name: Flat Point Development Limited
v
Mary Dooley
[ANUHCVPAP2018/0033]
(Antigua and Barbuda)

Date: Tuesday, 23rd October 2018

On paper:

Applicant: Ms. Jacqueline L. Walwyn (The Law Cottage)

Issue:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is granted leave to appeal the decision of the Learned Master Jan Drysdale.
2. The applicant shall file his notice of appeal within 21 days of the date of this order.
3. The appeal shall thereafter proceed in accordance with CPR 2000.
4. Costs of the application to be costs in the appeal.

Reason:

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

Case Name:

**Vere Cleofoster Ford
v
Cavel Sonia Ford**

**[ANUHCVP2016/0025]
(Antigua and Barbuda)**

Date:

Tuesday, 23rd October 2018

On paper:

**Applicant/
Respondent:**

Ms. C. Debra Burnette (Henry & Burnette)

**Respondent/
Appellant:**

Mr. John Fuller (Fuller & Co.)

Issue: Application to strike out notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The notice of appeal filed on 21st December 2016 is hereby struck out for want of prosecution.
2. Costs to the applicant of \$500.00.

Reason: The Court noted that since the filing of the notice of appeal, the appellant had not taken any steps to advance the appeal notwithstanding the notice of availability of transcripts.

Case Name: [1] McAlister Abbott
[2] Eugene Abbott
v
[1] Massimo Alemagna
(By His Attorney Alessandro Alemagna)
[2] Sir Eustace Francis
[3] Michael Piggott
[ANUHCRA2018/0029]
(Antigua and Barbuda)

Date: Tuesday, 23rd October 2018

On paper:

Applicants: Ms. Kema M.L.M. Benjamin (Marshall & Co.)

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant is granted leave to appeal the order of Master Jan Drysdale made on 24th August 2018.
2. The applicant shall file and serve its notice of appeal within 21 days of the date of this order.

3. The appeal shall thereafter proceed in accordance with CPR 2000.
4. Costs of the application to be costs in the appeal.

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

Case Name: Dolcie Christian
(In her capacity as Executor of the Estate of
Sydney Christian, QC)
v
King's Casino Limited
[ANUHCVAP2018/0030]
(Antigua and Barbuda)

Date: Tuesday, 23rd October 2018

On paper: **Applicant:** Jason A. Martin & Associates

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal is granted.
2. The applicant is to file the notice of appeal within 21 days of the date of this order.
3. The appeal shall thereafter proceed in accordance with CPR 2000.
4. Costs of the application to be costs in the appeal.

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

Case Name: Owen Roach
v

**[1] The Attorney General of Antigua
[2] The Registrar of the High Court**

**[ANUHCVP2016/0023]
(Antigua and Barbuda)**

Date: Tuesday, 23rd October 2018

On paper:

**Applicants/
Respondents:** Ms. Alicia Aska (Attorney General's Chambers)

**Respondent/
Appellants:** Dr. David Dorsett (Watt, Dorsett & Company)

Issue: Application for an extension of time within which to file written submissions and for written submissions filed to be deemed properly filed and served

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicants are granted an extension of time to file written submissions.
2. The written submissions filed by the respondents/applicants is deemed to be filed on time.
3. There is no order as to costs.

Reason: The Court was of the opinion that it would be just for the applicants to be granted an extension of time.

Case Name: [1] Builders and Contractors Association of
Dominica (BCAD)
[2] Dominica Society of Architects (DSA)
[3] Dominica Association of Professional
Engineers (DAPE)

v

**[1] The Honourable Mr. Roosevelt Skerritt,
Minister of Finance
[2] The Honourable Senator Mirium Blanchard,**

Minister of Public Works and Ports
[3] Permanent Secretary, Ministry of Public Works and Ports
[4] Central Procurement Board comprising Rosemund Edwards, Mathan Walker, Emile Lancelot and Patrick Pemberton
[5] Oscar Seaman, Chief Procurement Officer

[DOMHCVAP2018/0008]
(Commonwealth of Dominica)

Date: Tuesday, 23rd October 2018

On paper:
Applicants: Mr. Kevin Williams

Issues: Application for extension of time within which to file for leave to appeal — Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. Service of the application for extension of time and supporting documents on the respondent is hereby waived in accordance with Rule 6.8(1) of CPR 2000.
2. Leave to appeal is granted and the application for extension of time within which to file a notice of appeal is granted.
3. The applicant is to file notice of appeal within 21 days of the date of this order.
4. The appeal shall thereafter proceed in accordance with CPR 2000.
5. Costs of the application to be costs in the appeal.

Reason: The Court was satisfied that the matter was an appropriate case for the Court to waive service of the notice of application for extension of time and supporting documents in accordance with rule 6.8(1) of the CPR 2000. The Court was also satisfied that the applicants had satisfied the threshold for leave to appeal to be granted.

Case Name:

Raul Roberts

v

The Queen

**[GDAHCRAP2018/0016]
(Grenada)**

Date:

Tuesday, 23rd October 2018

On paper:

Applicant:

In person

Issue:

Application for leave to appeal against sentence

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall provide a copy of the minute of conviction within 14 days of the date of this order.**
- 2. The Registrar of the High Court shall serve a copy of the minute of conviction on the Director of Public Prosecutions within 14 days of the date of this order.**
- 3. This application is adjourned to the next Chamber Hearing scheduled for 20th November 2018 for further consideration.**

Reason:

The Court noted that the minute of conviction and sentence was not provided.

Case Name:

Ernest Sanderson

v

[1] Prem Chandiramani

[2] Rekha Mahtani

[3] Mohandas Mirpuri

**[GDAHCVAP2018/0012]
(Grenada)**

Date: Tuesday, 23rd October 2018

On paper:

Applicant: Mr. Anselm B. Clouden (Grenlaw Chambers)

Respondents: Ms. Winnifred Duncan Phillip (Duncan Phillip & Associates)

Issue: Application for extension of time — Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is granted leave to appeal.
2. The application for an extension of time within which to file and serve a notice of appeal against the decision of Roberts J dated 12th October 2017 is granted.
3. The applicant is granted 21 days from the date of this order within which to file and serve its notice of appeal.
4. The appeal shall thereafter proceed in accordance with CPR 2000.

Reason:

The Court was satisfied that the applicant had met the threshold to be granted leave to appeal. The Court was also satisfied that it would be just to grant the applicant an extension of time.

Case Name:

**Akim Francis
v
The Queen**

**[GDAHCRAP2018/0017]
(Grenada)**

Date: **Tuesday, 23rd October 2018**

On paper:
Applicant: **In person**

Issue: **Application for extension of time to appeal against conviction and sentence**

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

- 1. The Registrar of the High Court shall provide the Court with a copy of the minute of conviction and sentence of the applicant within 14 days of this order.**
- 2. The Registrar of the High Court is to serve a copy of the application filed by the applicant on 4th September 2018 and the minute of conviction and sentence on the Director of Public Prosecutions within 14 days of this order.**
- 3. The Registrar of the High Court is to furnish proof of service of the application and the minute of conviction and sentence on the Director of Public Prosecutions within 14 days of this order.**
- 4. The application is adjourned to the next chamber hearing scheduled for 20th November 2018.**

Reason: **The Court noted that the minute of conviction and sentence was not attached to the application. The application was also not served on the Director of Public Prosecutions.**

Case Name: **Troy Ross**
v
The Queen

[GDAHCRAP2017/0015]
(Grenada)

Date: Tuesday, 23rd October 2018

On paper:

Applicant: Ms. Herricia L Willis (H L Willis & Associates)

Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to appeal against sentence

Result / Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall provide proof of service of the application on the respondent within 14 days of the date of this order.
2. The Registrar of the High Court shall provide proof of service of the order on the applicant.
3. The application is adjourned for further consideration at the next Chamber Hearing which is scheduled for 20th November 2018.

Reason: The Court noted that the application was not served on the Director of Public Prosecutions.

Case Name: D'Vaunte Henry
v
The Crown

[MNIHCRAP2018/0002]
(Montserrat)

Date: Tuesday, 23rd October 2018

On paper:

Applicant: Mr. David S. Brandt (Brandt & Associates)

Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to file notice of appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The applicant is granted an extension of time within which to file the notice of appeal against sentence within 14 days of the date of this order.

Reason:

The Court was satisfied that it was in the interest of justice to grant to the applicant an extension of time to file the notice of appeal.

Case Name:

**Joseph Fenton
v
Audrey Frederick**

**[MNIHCVAP2017/0006]
(Montserrat)**

Date:

Tuesday, 23rd October 2018

On paper:

Applicant:

Mr. Jean Kelsick (Kelsick & Kelsick)

Issue:

Application to admit affidavits into evidence

Result / Order:

IT IS HEREBY ORDERED THAT:

The application is adjourned to the Full Court at the next sitting of the Court of Appeal in Montserrat during the week commencing 26th November 2018.

Reason:

The Court noted that there is no proof of service of the application and that the minute of conviction and sentence is not attached to the application.

Case Name:

[1] Fotis Andrianakos
[2] Panagiotis Andrianakos
v
[1] The Registrar of Companies
[2] Financial Services Commissioner
[3] Montobacco Limited
[4] Emerald Metal Co. Limited
[5] 888 International Limited
[6] Steven Fagen
[7] Marie Carole Lidbetter
[8] Karen Allen
[9] Edmond Elbaz
[10] Reuben Meade

[MNIHCVAP2018/0008]
(Montserrat)

Date:

Tuesday, 23rd October 2018

On paper:

Applicant:

In person

Issue:

Application for stay of execution

Result / Order:

IT IS HEREBY ORDERED THAT:
The applicant is granted a stay of execution of the order of Justice Morley dated 31st July 2018 in respect of Claim No. MNIHCV2018/0026 and Claim No. MNIHCV2018/0024 pending the determination of the appellant's appeal.

Reason:

The Court was satisfied that the applicant had met the threshold for the grant of a stay of execution.

Case Name:

Martin Paul Berchard

v
Director of Public Prosecutions

[MNIMCRAP2018/0005]
(Montserrat)

Date: Tuesday, 23rd October 2018

On paper:

Applicant: Mr. Khari Markham (Allen Markham & Associates)

Respondent: Mr. Oris Sullivan, Director of Public Prosecutions

Issue: Application for leave to appeal against sentence

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted leave to appeal.**
- 2. The applicant is to file his notice of appeal within 14 days of the date of this order.**

Reason: The Court was satisfied that the applicant had met the threshold for leave to appeal.

Case Name:

Camille David Werner

v
Director of Public Prosecutions

[MNIMCRAP2018/0003]
(Montserrat)

Date: Tuesday, 23rd October 2018

On paper:

Applicant: Mr. Khari Markham (Allen Markham & Associates)

Respondent: Mr. Oris Sullivan, Director of Public Prosecutions

Issue: Application for leave to appeal sentence

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted leave to appeal.**
- 2. The applicant is to file his notice of appeal within 14 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:

**Robert George
v
Stedroy Wilkinson**

**[SKBMCVAP2018/0003]
(Saint Christopher and Nevis)**

Date:

Tuesday, 23rd October 2018

On paper:

**Applicant/
Respondent**

Ms. Kurlyn D.V. Merchant (Merchant Legal Chambers)

**Respondent/
Appellant**

Daniel Brantley

Issue:

Application for extension of time to file and serve skeleton arguments and list of authorities

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted an extension of time to file and serve the skeleton arguments and list of authorities.**
- 2. The applicant's skeleton arguments and list of authorities filed 27th August 2018 are hereby deemed properly filed.**
- 3. The applicant shall provide proof of service of the skeleton arguments and list of authorities filed 27th**

August 2018 on the appellant within 14 days of the date of this order.

4. The appeal shall thereafter proceed in accordance with CPR 2000.

Reason:

The Court was satisfied that the applicant had met the threshold for the grant of an extension of time to file and serve the skeleton arguments and list of authorities.

Case Name:

Delano F. Bart

v

[1] Construction Technologies Ltd.

[2] Lincoln Pemberton

[SKBHCVAP2018/0016]

(Saint Christopher and Nevis)

Date:

Tuesday, 23rd October 2018

On paper:

Applicant: Ms. Midge A. Morton (Morton Robinson, L.P.)

Respondent: Mr. O’Grenville Browne (Browne & Associates)

Issues:

Application for stay of execution - Application for a stay of proceedings

Result / Order:

IT IS HEREBY ORDERED THAT:

1. Paragraph [66]-[1], [2] and [3] of the decision of Lanns J [Ag.] dated 24th July 2018 is stayed pending the determination of the appeal.
2. The proceedings in Claim No. SKBHCV2015/0205 Delano F. Bart v Construction Technologies Ltd. and Lincoln Pemberton is stayed pending the hearing of the appellant’s appeal against the decision of Lanns J [Ag.] dated 24th July 2018.

3. Costs to be in the cause.

Reason: The Court was satisfied that the applicant had met the requirements for the grant of a stay of execution.

Case Name: **Pinneys Hotel Development Limited**
v
[1] Alexis Jeffers- Minister of Communications
Etc.
[2] Department of Physical Planning
[3] Renee Walters (in her capacity as acting
Director of Physical Planning)
[4] The Physical Planning Appeal Tribunal
[5] The Nevis Island Administration

[SKBHCVAP2018/0009]
(Saint Christopher and Nevis)

Date: Tuesday, 23rd October 2018

On paper:
Applicant: Cozier and Associates

Issue: Application for leave to appeal

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. The applicant is granted leave to appeal the decision of Charles-Clarke J made on 6th June 2018.
2. The applicants shall file and serve its notice of appeal within 21 days of the date of this order.
3. The appeal shall thereafter proceed in accordance with CPR 2000.

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

Case Name: [1] SKN Choice Times Limited
[2] Dwight Cozier
v
Josephine Huggins
[SKBHCVAP2018/0005]
(Saint Christopher and Nevis)

Date: Tuesday, 23rd October 2018

On paper:
Applicants: Ms. M. Angela Cozier (Cozier and Associates)

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicants are granted leave to appeal the decision of Moise M. dated 12th April 2018.
2. The applicants shall file a notice of appeal within 21 days of the date of this order.
3. The appeal shall thereafter proceed in accordance with CPR 2000.

Reason: The Court was satisfied that the applicants had met the threshold for the grant of leave to appeal.

Case Name: [1] SKN Choice Times Limited
[2] Dwight Cozier
v
Josephine Huggins
[SKBHCVAP2018/0012]
(Saint Christopher and Nevis)

Date: Tuesday, 23rd October 2018

On paper:

Applicants: Cozier and Associates

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicants are granted leave to appeal the order of Master Jan Drysdale made on 11th July 2018.
2. The applicants shall file and serve the notice of appeal within 21 days of the date of this order.
3. The appeal shall thereafter proceed in accordance with CPR 2000.
4. Costs of the application to be costs in the appeal.

Reason: The Court was satisfied that the applicants had met the threshold for leave to appeal to be granted.

Case Name: Adam Bilzerian
v
Kevin Andrew Horstwood
[SKBHCVAP2018/0020]
(Saint Christopher and Nevis)

Date: Tuesday, 23rd October 2018

On paper: Applicant: Mr. Paul Bilzerian (by Power of Attorney)

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The notice of application for leave to appeal the decision of Lanns J [Ag.] filed on 25th September 2018 is granted.
2. The applicant shall file and serve the notice of appeal

- within 21 days of this order.
3. The appeal shall thereafter proceed in accordance with the Civil Procedure Rules 2000.

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

Case Name: Timothy Harris
v
[1] Nigel Carty
[2] Clement “Junie” Liburd (trading as Freedom 106.5 FM Radio)
[3] Charles Jong (Doing business as “disseminateit”)
[SKBHCVAP2018/0017]
(Saint Christopher and Nevis)

Date: Tuesday, 23rd October 2018

On paper:

Applicant: Mr. Dane Victor C. Elliott-Hamilton (Elliott Macclure)

Respondents: Mr. Sylvester Anthony

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

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant is granted leave to appeal the order of Lanns J [Ag.] dated 31st August 2018.
2. The applicant is to file the notice of appeal within 21 days of the date of this order.
3. Proceedings in High Court Claim No. SKBHCV2014/0134 are hereby stayed pending the

determination of the appeal.

- 4. The appeal shall thereafter proceed in accordance with the Civil Procedure Rules 2000.**

Reason: The Court was satisfied that the applicant had met the threshold for the grant of leave to appeal and a stay of proceedings pending the determination of the appeal.

Case Name: Dr. The Honourable Timothy Harris
v
Dr. The Right Honourable Denzil Douglas
[SKBHCVAP2018/0018]
(Saint Christopher and Nevis)

Date: Tuesday, 23rd October 2018

On paper:

Applicant: Mr. Dane Victor C. Elliott-Hamilton (Elliott Macclure)
Respondent: Mr. Sylvester Anthony

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

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted leave to appeal the order of Lanns J [Ag.] dated 31st August 2018.**
- 2. The applicant is to file the notice of appeal within 21 days of the date of this order.**
- 3. Proceedings in High Court Claim No. SKBHCV2016/0283 are hereby stayed pending the determination of the appeal.**
- 4. The appeal shall thereafter proceed in accordance with the Civil Procedure Rules 2000.**

Reason: The Court was satisfied that the applicant had met the threshold for the grant of leave to appeal and a stay of proceedings pending the determination of the appeal.

Case Name: Timothy Harris
v
[1] Denzil Douglas
[2] Clement “Junie” Liburd (trading
as Freedom 106.5 FM Radio)
[3] Charles Jong (Doing business
as “disseminateit”)
[SKBHCVAP2018/0019]
(Saint Christopher and Nevis)

Date: Tuesday, 23rd October 2018

On paper:

Applicant:	Mr. Dane Victor C. Elliott-Hamilton (Elliott Macclure)
Respondents:	Mr. Sylvester Anthony

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

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant is granted leave to appeal the order of Lanns J [Ag.] dated 31st August 2018.
2. The applicant is to file the notice of appeal within 21 days of the date of this order.
3. Proceedings in High Court Claim No. SKBHCV2014/0135 are hereby stayed pending the determination of the appeal.
4. The appeal shall thereafter proceed in accordance with the Civil Procedure Rules 2000.

Reason: The Court was satisfied that the applicant had met the threshold for the grant of leave to appeal and a stay of proceedings pending the determination of the appeal.

Case Name: The Attorney General
v
Cecil Toussaint
[SLUHCVAP2018/0029]
(Saint Lucia)

Date: Tuesday, 23rd October 2018

On paper:

Applicant:	Ms. Kozel Creese (Attorney General's Chambers)
Respondent:	Mr. David Francis (Norman Francis Chambers)

Issue: Application for stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:
The applicant is granted a stay of execution of paragraph 44 sub-paragraph (3) of the judgment of the Honourable Justice Godfrey Smith, SC dated 2nd August 2018.

Reason: The Court was satisfied that the applicant had met the requirements for the grant of a stay of execution.

Case Name: Prudence Robinson
v
Sagicor General Insurance Inc.
[SLUHCVAP2017/0034]

(Saint. Lucia)

Date: Tuesday, 23rd October 2018

On paper:

Applicant: Ms. Lydia B. Faisal (Lydia Faisal's Chambers)

Respondent: Amicus Law Chambers

Issue: Application for an extension of time to file the record of appeal and skeleton arguments

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time to file the record of appeal and skeleton arguments.
2. The record of appeal and skeleton arguments filed 17th September 2018 are hereby deemed properly filed.
3. The appeal shall thereafter proceed in accordance with CPR 2000.

Reason: The Court was satisfied that the applicant had met the threshold for leave to appeal.

Case Name:

**Luvina Joseph
also known as Elizabeth Joseph**

v

[1] William Gomez

[2] Albert Gomez

[SLUHCVAP2018/0030]

(Saint Lucia)

Date: Tuesday, 23rd October 2018

On paper:

Applicant: Mr. Jeannot-Michel Walters

Respondents: In person

Issue: Application for extension of time within which to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time within which to appeal the decision of Cenac-Phulgence J dated 25th July 2017.
2. The notice of appeal filed on 3rd September 2018 is hereby deemed properly filed.

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

Case Name: [1] Econo Parts Ltd.
[2] Mr. Parts Ltd.
v
The Comptroller of Customs & Excise

[SLUHCVAP2017/0019]
(Saint Lucia)

Date: Tuesday, 23rd October 2018

On paper:

Applicants: Mr. Vandyke Jude (Jude, Steele & Associates)

Issue: Application for extension of time to file and serve record of appeal, skeleton arguments and chronologies

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicants are granted an extension of time to file and serve the record of appeal, skeleton arguments and chronologies under Part 62 of the Civil Procedure Rules 2000 within 14 days of the date of this order.

2. The appeal shall thereafter proceed in accordance with CPR 2000.

Reason: The Court was satisfied that it would be in the interest of justice to grant the applicants an extension of time to file and serve the record of appeal, skeleton arguments and chronologies under Part 62 of the CPR 2000.

Case Name: Alvin Burnett
v
Ronald Stowe

[SVGMCVAP2018/0003]
(Saint Vincent and the Grenadines)

Date: Tuesday, 23rd October 2018

On paper:

Applicant: Ms. Euchrista St. Hilaire Bruce-Lyle

Respondent: In person

Issue: Application for extension of time to file notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant is to furnish the Court with proof of service of the notice of application for extension of time to file a notice of appeal within 14 days of the date of this order.
2. The application is adjourned for further consideration at the next Chamber Hearing scheduled for 20th November 2018.

Reason: The Court noted that there is no proof of service of the notice of application for extension of time to file the notice of appeal on the respondent.

Case Name:

**Angus Dennie
v
St. Vincent and the Grenadines Small
Business and Microfinance Co-operative Ltd.**

**[SVGHCVAP2017/0013]
(Saint Vincent and the Grenadines)**

Date: **Tuesday, 23rd October 2018**

On paper:

Applicant: **Mr. Emery Robertson (Robertson & Robertson)**

Respondent: **Mr. Julian Jack (Regency Law Firm)**

Issues: **Application for leave to appeal — Application for stay of execution — Application for an extension of time to file the notice of appeal**

Result / Order:

**IT IS HEREBY ORDERED THAT:
The application for leave to appeal, for a stay of execution and for an extension of time to file the notice of appeal against the judgments of Henry J dated 11th April 2017 and 4th June 2018 is hereby adjourned for hearing before the Full Court during the sitting of the Court in St. Vincent and the Grenadines during the week commencing 10th December 2018.**

Reason:

The Court was of the view that the matter ought to be determined by the Full Court during its sitting in St. Vincent and the Grenadines.

Case Name:

**Atiba Jones
v**

The Commissioner of Police

**[SVGMCRAP2018/0033]
(Saint Vincent and the Grenadines)**

Date: Tuesday, 23rd October 2018

On paper:

Applicant: In person

Respondent: The Office of the Director of Public Prosecutions

Issue: Application for extension of time for leave to appeal against conviction and sentence

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide a copy of the minute of conviction and sentence within 14 days of the date of this order.
2. The application is adjourned for further consideration at the next Chamber Hearing scheduled for 20th November 2018.

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

Case Name:

Vivian Gibbs

v

The Queen

**[SVGHCRA2018/0018]
(Saint Vincent and the Grenadines)**

Date: Tuesday, 23rd October 2018

On paper:

Applicant: In person

Respondent: The Office of the Director of Public Prosecutions

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant is granted leave to appeal against his sentence.
2. The applicant shall file the notice of appeal within 14 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: Vincent Dember
v
The Queen

[SVGHCRAP2018/0022]
(Saint Vincent and the Grenadines)

Date: Tuesday, 23rd October 2018

On paper:

Applicant: In person

Respondent: The Office of the Director of Public Prosecutions

Issue: Application for extension of time within which to appeal against conviction

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant is granted an extension of time within which to appeal against his conviction.
2. The applicant shall file the notice of appeal within 14 days of the date of this order.

Reason: The Court was satisfied that it was in the interests of justice for the applicant to be granted an extension of time within which to appeal against his conviction.

Case Name: Zimroy Maurice Guy
v
The Queen

[SVGHCRAP2018/0023]
(Saint Vincent and the Grenadines)

Date: Tuesday, 23rd October 2018

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 the notice of appeal within 14 days of the date of this order.

Reason: The Court was of the view that the applicant had satisfied the threshold for the grant of leave to appeal.

Case Name: Emron Jones
v
The Queen

**[SVGHCRA2018/0020]
(Saint Vincent and the Grenadines)**

Date: Tuesday, 23rd October 2018

On paper:

Applicant: In person

Respondent: The Office of the Director of Public Prosecutions

Issue: Application for leave to appeal against conviction

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is granted leave to appeal against his conviction.
2. The applicant shall file the notice of appeal within 14 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:

**Sylvester Kulina
(of Fountain)**

v

**Naomi Quashie
(of Georgetown)**

**[SVGHC2018/0006A]
(Saint Vincent and the Grenadines)**

Date: Tuesday, 23rd October 2018

On paper:

Applicant: Mr. S. Sten Sargeant (Williams & Williams)

Respondent: In person

Issue: Application for stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant shall provide proof of service of the notice of application for a stay of execution of the judgment of Byer J dated 15th June 2018 on the respondent within 14 days of the date of this order.
2. The application is adjourned for further consideration at the next Chamber Hearing scheduled for 20th November 2018.

Reason: The Court noted that there was no proof of service of the notice of application for a stay of execution on the respondent.

Case Name: Roger Clarke
v
The Queen
[SVGHCRAP2018/0012]
(Saint Vincent and the Grenadines)

Date: Tuesday, 23rd October 2018

On paper:

Applicant: In person

Respondent: The Office of the Director of Public Prosecutions

Issue: Application for bail pending appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application for bail pending the determination of the appeal is denied.

Reason: The Court noted that the applicant had not provided any reason for the Court to grant bail pending the determination of the appeal.

Case Name: Sheikh Abudulaziz Ali Alhamrani
v
[1] Sheikh Mohamed Ali Alhamrani
[2] Sheikh Siraj Ali Alhamrani
[3] Sheikh Khalid Ali Alhamrani
(as Representative of the Late Sheikh Abdulaziz Ali Alhamrani)
[4] Sheikh Ahmed Ali Alhamrani
[5] Sheikh Fahad Ali Alhamrani

[BVIHCMAP2018/0012]
(Territory of the Virgin Islands)

Date: Tuesday, 23rd October 2018

On paper:

Applicant: Mr. Renell Benjamin (Walkers)

Respondents: Ms. Claire Goldstein (Harneys Westwood & Riegels)

Issue: Application for appointment of representative of estate

Result / Order: IT IS HEREBY ORDERED THAT:
Sheikh Abdulaziz Abdullah Ali Alhamrani is hereby appointed to represent the estate of the late Sheikh Abdullah Ali M Alhamrani for the purpose of all proceedings in the BVI in which the late Sheikh Abdullah Ali M Alhamrani had an interest, in particular the proceedings with Appeal No. BVIHCMAP2016/0030.

Reason:

The Court was satisfied that the applicant had met the requirements to be appointed as representative of the estate of the late Sheikh Abdullah Ali M Alhamrani.