

VIDEOCONFERENCE

COURT OF APPEAL SITTING

**TERRITORY OF THE VIRGIN ISLANDS
Thursday 31st July, 2018**

APPLICATION AND APPEAL

Case Name:

- 1. Thelma Paraskevaides**
- 2. Christina Paraskevaides**
- V**
- 1. Citco Trust Corporation Limited**
- 2. Efthymoulos Iacovides**
- 3. Volkart International Ltd**
- 4. Adow Corporation Inc**
- 5. Bauru Holding Limited**
- 6. Knock Holding Ltd**
- 7. Dandyboard Ltd**
- 8. Beloglow Limited**
- 9. Fawntown limited**
- 10. Baricrest Limited**
- 11. Dabcey Corporation**

[BVIHCMAP2018/0046]

Date: **Tuesday, 31st July 2018**

Before: **The Hon. Dame Janice M. Pereira, Chief Justice, DBE**

Appearances:

Appellant: **Mr. Vernon Flynn QC with him Mr. Christopher Pease**

Respondent: **Mr. David Chivers QC for second and seventh to tenth respondents**

Ms. Akesha Adonis for first respondent

Issue: **Application for stay – Injunction – Discharge order**

**Type of Oral
Result / Order
Delivered:** **Oral Judgement or Decision**

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

- 1. The terms of the order (the Discharge Order) and judgment (the Judgment) of the Honourable Justice Wallbank dated 5th July 2018 but taking effect on 21st June 2018, both discharging an injunction granted by the Honourable Justice Adderley on 9th May 2018 (the Injunction) be stayed pending determination of the appellants' appeal against the Discharge Order and the Judgment subject to the following caveats:**
 - a. There be no finding as to the authority of and/or the validity and/or effectiveness of the actions taken by or on behalf of the second respondent, which are the subject of the underlying proceedings;**
 - b. Without prejudice to the appellants' contention (and ability to challenge) that the seventh to tenth respondents have not been validly or effectively appointed and/or do not have authority to act as directors of the eleventh respondent, paragraph 11 of the Injunction remains discharged;**
 - c. Paragraphs 14 to 16 of the Injunction remain discharged;**
 - d. Paragraphs 7 and 8 of the Discharge Order shall not be stayed, but shall be varied so that the monies are paid into escrow, to be held by the legal representatives of the first respondent and the second and seventh to tenth respondents respectively, until the determination of the appellant's appeal.**
- 2. The appellants be allowed to dispense with the procedural requirements of filing and serving, along with the notice of appeal, written submissions in support of the appeal and bundles, and all parties be**

allowed to dispense with the requirement that skeleton arguments be limited to 15 pages, with the following directions to be imposed in place of those requirements;

- a. The appellants shall file five copies of the record of appeal with the Court Registry and serve a copy on the legal representatives for the first respondents and the second and seventh to tenth respondents by 4:00 p.m on 10th August 2018;
 - b. The appellants shall file and serve written submissions in support of their appeal by 4:00 p.m. on 15th August 2018;
 - c. The second and seventh to tenth respondents shall file and serve written submissions in opposition to the appeal and in support of their cross-appeal by 4:00 p.m. on 31st August 2018;
 - d. The appellants shall file and serve written submissions in reply and in opposition to the cross-appeal by 4:00 p.m. on 14th September 2018;
 - e. The second and seventh to tenth respondents shall file and serve written submissions in reply on their cross-appeal by 4:00 p.m. on 21st September 2018; and
 - f. That the appeal be listed for a 2-day hearing on the 2nd and 3rd October 2018 in the Commonwealth of Dominica.
3. The second and seventh to tenth respondents do pay the appellants' costs of the application, to be assessed if not agreed, within 14 days of the provision to the second and seventh to tenth respondents' legal representatives of the appellants' schedule of costs of the application.