

CHAMBER HEARING

July 2017

		<u>MATTERS DEALT WITH ON PAPER</u>
Before:		The Hon. Mde. Louise Esther Blenman, Justice of Appeal
Case Name:		[1] Martin Dinning [2] Hudson Carr [3] Shawn Williams [4] Robert Miller [5] Eastern Caribbean Central Bank v [1] Satay Limited [2] United Duty Free Concessionaries Ltd. [3] Helen Bayer Constable, Patrick Constable and Walter Bayer II [4] Helen Bayer Constable, Teresa Bayer and Walter Bayer II [5] Cadiz Holdings Ltd. [6] Chantal Cloutier [7] CMS Management Ltd. [8] David Crowley [9] D.N.A. Patents, Inc. [10] dCipher Inc. [11] Vodaco Limited [12] DIAMONT COMPANY N.V. [13] Duna Holding Limited [14] Equipment Leasing Ltd. [15] Van Veen Caribbean Holdings [16] Jason Freeman [17] HBM (Anguilla) Ltd. [18] Heidi Hobgood

		[19] Hope-Ross and Thompson [20] Ihatsu Fudosan Capital Limited [21] Sean Kennelly [22] A & A Limited [23] Edouard Ledee [24] Anthony Marini [25] Mars Exploration Inc. [26] Lisa Marshall [27] Latin Retreats [28] Dominique Noire [29] Frank Oliviero [30] Colin Percy [31] Francis Raineau [32] NECOL Limited [33] RHINO LLC [34] FSC Management Attorney LLC [35] Canon Limited [36] Sunny Days Management Corporation [37] Synetics Capital Corp Limited [38] Glenys Taillon [39] TSS LLC [40] Robert Velasquez [41] Annette Krabbe [42] Simon Drake [43] John Michael Victory [44] Lorraine Tyson [45] Stephen Joseph Cavagnaro [46] Gary Charkham [47] Sunshine Properties Limited [48] Laura F. E. Van Hoeve [49] Vanita Mirchandani [50] Sharron Yuan-Sam [51] Gillian Looser [52] Angela Tyler
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		[53] The Little Ship Company Ltd. [54] Jerri-Lyn Zimmerman [55] Raymond Longbottom [56] Manning Kong [57] Pamela Yee Lawrence [58] Isabelle Patry [59] Maria Ines Almeida [60] Marlam Ltd. [61] Darline DeStephens [62] Holly Haven, Ltd. [63] Habib Jiha [64] Menavia Langlais [65] Hiroko Yoshida [AXAHCVAP2017/0004] (Anguilla)
Date:		Monday, 31st July 2017
On paper:		
	Applicant:	Ms. Navine Flemming
	Respondents:	Mr. Henry Wiggin and Ms. Rayana Dowden
Issue:		Application to strike out counter notice of appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The application to strike out the counter notice of appeal is referred to the Full Court for oral hearing at the sitting of the Court in Anguilla scheduled to commence on Monday, 23 rd October 2017.
Case Name:		Damian Wilson v Her Honour, the Magistrate, Ngaio Emmanuel

		[ANUMCRAP2017/0003] (Antigua and Barbuda)
Date:		Monday, 31st July 2017
On paper:		
	Appellant:	Rika Bird and Associates
	Respondent:	The Director of Public Prosecutions
Issue:		Application for stay of proceedings
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant shall furnish this Court with a copy of the notice of appeal and order. 2. The notice of application is to be served on the Office of the Director of Public Prosecutions within 14 days of this order. 3. The applicant shall file and serve skeleton arguments together with authorities within 21 days of this order. 4. The Director of Public Prosecutions shall file and serve written submissions together with authorities on or before 21st September 2017. 5. The application is adjourned for further consideration at the next Chamber Hearing scheduled for 26th September 2017.
Case Name:		[1] Antigua Flight Training Center, Inc. [2] Grace Norman v Eastern Caribbean Civil Aviation Authority [ANUHCVP2017/0015] (Antigua and Barbuda)
Date:		Monday, 31st July 2017

On paper:		
	Applicants:	Ms. Grace Norman
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant shall furnish this Court with a copy of the order of Justice Clare Henry dated 22 nd June 2017 within 21 days of this order. 2. The application for leave to appeal is adjourned for further consideration at the next Chamber Hearing scheduled for 26 th September 2017.
Reason:		The Court noted that the applicant has not furnished this court with a copy of the ruling/order in relation to which leave to appeal is sought.
Case Name:		Trevor Boston v The Queen [ANUHCVP2017/0002] (Antigua and Barbuda)
Date:		Monday, 31st July 2017
On paper:		
	Applicant:	In person
Issue:		Application for leave to appeal
Result/Order:		IT IS HEREBY ORDERED THAT: 1. It is further ordered that the Registrar of the High Court shall cause the application for leave to appeal against sentence to be served on the Director of Public Prosecutions on or before 7 th August 2017.

		2. The Registrar of the High Court is directed to provide proof of service within 14 days of this order. 3. The hearing of the application for leave to appeal against sentence is adjourned for further consideration at the next Chamber Hearing scheduled for 26th September 2017.
Reason:		The Court noted that there has been non-compliance with the order of 4 th July 2017.
Case Name:		The Supervisory Authority v [1] Cresswell Overseas S.A. [2] Mehl Bank (Antigua) Ltd. [ANUHCVP2017/0003] (Antigua and Barbuda)
Date:		Monday, 31 st July 2017
On paper:		
	Appellant/ Respondent:	The Director of Public Prosecutions
	Respondents /Applicants:	Mr. Frank E. Walwyn, The Law Cottage
Issues:		Application to strike out notice of appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The application to strike out the appeal shall be heard by the Full Court at its next sitting in Antigua and Barbuda during the week commencing Monday, 6th November 2017.

Case Name:		Bernadine Harrigan (In her capacity as Administratrix of the Estates of Clarence Browne also known as Carlton Browne, and Amanda Browne) v Curtain Bluff Limited [ANUHCVP2017/0013] (Antigua and Barbuda)
Date:		Monday, 31st July 2017
On paper:		
	Applicant:	Mr. Jason A. Martin
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Leave to appeal is granted to the applicant. 2. The applicant is to file and serve notice of appeal within 21 days of this order, thereafter the appeal shall proceed in accordance with the Civil Procedure Rules.
Case Name:		[1] Glouster Pierre [2] Eudora Pierre v [1] Cecil James [2] Nathalie James [DOMHCVAP2012/0010] (Commonwealth of Dominica)
Date:		Monday, 31st July 2017
On paper:		

	Applicants:	Dyer & Dyer
	Respondents:	Noelize, Knight & Didier
Issue:		Application for counsel to be removed from record
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant is directed to personally serve a copy of the application together with the supporting affidavit on the appellants within 14 days of this order. 2. The applicant shall file proof of service within 21 days of this order.
Reason:		The Court noted that the relevant rule of CPR 2000 has not been complied with.
Case Name:		Edmay Titre v The Police [DOMMCRAP2017/0010] (Commonwealth of Dominica)
Date:		Monday, 31st July 2017
On paper:		
	Applicant:	Ms. Kayan Toussaint, Dominica Legal Aid Clinic
Issues:		Application for extension of time to appeal – Application for relief from sanctions
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant shall cause a copy of the notice of application for extension of time to file the notice of appeal to be served on the respondent within 14 days of this order. 2. The applicant shall furnish this Court with proof of

		service within 21 days of this order. 3. The hearing of this application is adjourned for further consideration at the next Chamber Hearing scheduled for 26 th September 2017.
Reason:		The Court noted that there is no evidence of service on the respondent.
Case Name:		Christian Benoit v [1] Mathilda Julien John-Rose [2] Colaie Julien (as Personal representative of Frank Joseph Julien) [DOMHCVAP2013/0009] (Commonwealth of Dominica)
Date:		Monday, 31 st July 2017
On paper:		
	Appellant /Respondent:	In person
	Respondents/ Applicants:	Ms. Rose-Ann Charles
Issue:		Application to strike out notice of appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The hearing of this application shall be considered by the Full Court at the next sitting of the Court in the Commonwealth of Dominica during the week commencing Monday, 18 th September 2017.

Case Name:		Sheldon Bain v The Queen [GDAHCRAP2017/0011] (Grenada)
Date:		Monday, 31st July 2017
On paper:		
	Applicant:	In person
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The Registrar of the High Court is directed to comply with paragraph 1 of the order dated 4 th July 2017 on or before 7 th August 2017. 2. The Registrar of the High Court shall furnish this Court with proof of service no later than the 17 th day of August 2017. 3. The hearing of the application for leave to appeal against sentence is adjourned for further consideration at the next Chamber Hearing which is scheduled for 26 th September 2017.
Reason:		The Court noted that dated 4th July 2017 has been complied with.
Case Name:		Arthur Bradshaw v Jeremiah French [SKBMCVAP2017/0005] (Saint Christopher and Nevis)
Date:		Monday, 31st July 2017
On paper:		

	Applicant:	Mr. John Cato
	Respondent:	In person
Issue:		Application for permission to appeal out of time
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant shall serve the application for leave to appeal out of time no later than 7th August 2017. 2. The applicant shall provide this Court with an affidavit of service no later than 17th August 2017. 3. The hearing of the application for leave to appeal out of time is adjourned for further consideration at the next Chamber Hearing on 26th September 2017.
Reason:		The Court noted that there is no service on the respondent.
Case Name:		Nevis Electricity Company Limited v Maureen Webbe [SKBHCVAP2017/0011] (Saint Christopher and Nevis)
Date:		Monday, 31st July 2017
On paper:		
	Applicant:	Ms. Dia C. Forrester and Ms. Michelle Slack, Daniel Brantley & Associates
	Respondent:	Mr. Jeffrey F. Nisbett, Nisbetts Solicitors
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Leave is granted to appeal the decision of Williams J delivered on 4th July 2017.

		2. The part of the application for stay of execution pending the determination of the appeal is adjourned for further consideration on Tuesday, 26 th September 2017 since the time for the respondent to object has not expired.
Reason:		The Court noted the affidavit of service filed on 19 th July 2017.
Case Name:		Exclusive Retreats Limited v First Caribbean International Bank (Barbados) Limited [SKBHCVAP2017/0008] (Saint Christopher and Nevis)
Date:		Monday, 31 st July 2017
On paper:		
	Applicant:	Mr. Kevin Horstwood, c/o Mr. Terrence V. Byron, Byron & Byron
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The application for leave to appeal shall be listed for hearing by the Full Court on a date and time to be determined by the Chief Registrar on notice to the applicant.
Reason:		The Court was minded to refuse leave to appeal.

Case Name:		Ocean Reef Resorts Limited v Seth Foster [SKBHCVAP2016/0008] (Saint Christopher and Nevis)
Date:		Monday, 31st July 2017
Before:		Mde. Michelle John-Theobalds, Chief Registrar
On paper:		
	Appellant:	Mr. Morton Robinson
	Respondent:	Ms. Dahlia A. Joseph-Rowe
Issue:		Application for certification of record
Result / Order:		IT IS HEREBY ORDERED THAT: The parties are to take the necessary steps to prepare the record of appeal for certification by the Registrar of St. Kitts and Nevis.
Reason:		The Chief Registrar noted the affidavit of service filed on 14th June 2017.
Case Name:		Chaney Clerice v The Queen [SLUHCRA2017/0009] (Saint Lucia)
Date:		Monday, 31st July 2017
On paper:		
	Applicant:	Mr. Alberton Richelieu

Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The Registrar of the High Court shall cause a copy of the application for extension of time within which to appeal to be served on the Director of Public Prosecutions within 7 days of this order. 2. The Registrar of the High Court shall provide proof of service. 3. The hearing of this application is adjourned for further consideration at the next Chamber Hearing on 26th September 2017.
Reason:		The Court noted that there has been no service on the Director of Public Prosecutions.
Case Name:		Dillan Donaie v The Queen [SLUHCRA2017/0008] (Saint Lucia)
Date:		Monday, 31st July 2017
On paper:		
	Applicant:	In person
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The hearing of this application is adjourned for further consideration at the next Chamber Hearing during the week of 26 th September 2017 in order to allow the Director of Public Prosecutions sufficient time to make proper representation.

Reasons:		The Court noted that the application for leave to appeal against sentence was filed out of time and treating the notice as including an application to extend the time for appealing. The Court also further noted that the order of Webster JA has been complied with and the Director of Public Prosecutions was served on 27th July 2017.
Case Name:		James Doxilly v CPL 476 Sean Alexander [SLUMCRAP2006/0007] (Saint Lucia)
Date:		Monday, 31 st July 2017
On paper:		
	Applicant:	In person
Issue:		Application for a stay of execution
Result / Order:		IT IS HEREBY ORDERED THAT: The Court of appeal order dated 26th January 2017 in which the applicant was ordered to pay the sum of \$11,000.00 within three months is extended to a further three months.
Reason:		The Court noted the affidavit of service filed on 14 th July 2017.

Case Name:		Jonathan David Lesfloris v Glenda Dale Lesfloris [SLUHCVAP2015/0018] (Saint Lucia)
Date:		Monday, 31st July 2017
Before:		The Hon. Mde. Gertel Thom, Justice of Appeal
On paper:		
	Appellant/ Respondent:	Ms. Wauneen Louis-Harris
	Respondent/ Applicant:	Mr. Gerard Williams
Issues:		Application for leave to deem skeleton arguments properly filed
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The Applicant/Respondent shall provide the Court with affidavit evidence of service of the application and supporting documents on the Respondent/Appellant within 14 days of the date of this order. 2. The application is adjourned to the next Chamber Hearing scheduled for 26 th September 2017.
Reason:		The Court noted that there is no evidence of service of the application and supporting documents on the respondent/appellant.
Case Name:		Deron Henry v Commissioner of Police [SVGHCRAP2017/0003]

		(Saint Vincent and the Grenadines)
Date:		Monday, 31st July 2017
On paper:		
	Applicant:	In person
Issues:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. 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. 3. The Registrar of the High Court shall cause a copy of this order to be served on the applicant and the Director of Public Prosecutions within 14 days of this order.
Case Name:		Alando Guy v The Commissioner of Police [SVGMCRAP2017/0029] (Saint Vincent and the Grenadines)
Date:		Monday, 31st July 2017
On paper:		
	Applicant:	In person
Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. 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.

		3. The Registrar of the High Court shall cause a copy of this order to be served on the applicant and the Director of Public Prosecutions within 14 days of this order.
Case Name:		Terron Prince v The Commissioner of Police [SVGMCRAP2017/0028] (Saint Vincent and the Grenadines)
Date:		Monday, 31 st July 2017
On paper:		
	Applicant:	In person
Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Extension of time is granted to the applicant within which to file his notice of appeal. 2. The applicant shall file and serve his notice of appeal within 21 days of this order. 3. The Registrar of the High Court shall cause a way for this order to be served on the applicant and the Director of Public Prosecutions within 14 days of this order and provide proof of service.
Case Name:		Danrick Williams v Daron Andrews [SVGHCVAP2017/0007]

		(Saint Vincent and the Grenadines)
Date:		Monday, 31st July 2017
On paper:		
	Applicant:	Ms. Ashelle Morgan
Issue:		Application for extension of time to serve notice of appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant is directed to file a supplemental affidavit in support of the application within 21 days of this order. 2. The application is adjourned for further consideration at the next Chamber Hearing which is scheduled for 26th September 2017.
Reason:		The Court was concerned about service by newspapers since the respondent lives in the USA in circumstances where there is no indication which satisfies the Court that the respondent will be given notice of the appeal.
Case Name:		Patrick Lovelace v The Queen [SVGHCRAP2009/0017] (Saint Vincent and the Grenadines)
Date:		Monday, 31st July 2017
On paper:		
	Applicant:	In person
Issue:		Application for extension of time to appeal

Result / Order:		IT IS HEREBY ORDERED THAT: 1. The Registrar of the High Court shall cause the application for extension of time within which to appeal the sentence to be served on the Director of Public Prosecution's office within 7 days of this order. 2. The Registrar of the High Court shall furnish this Court with proof of service within 14 days of this order. 3. The application for extension of time within which to appeal against sentence is adjourned for further consideration at the next Chamber Hearing scheduled for 26th September 2017.
Case Name:		First Caribbean International Bank (Barbados) Limited v Timothy St. John [SVGHC VAP2012/0002] (Saint Vincent and the Grenadines)
Date:		Monday, 31st July 2017
On paper:		
	Appellant/ Applicant:	Ms. Anique Cummings
Issue:		Application for leave to serve the notice of appeal out of time
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant shall file a supplemental affidavit with details of the names and addresses of the applicant's relatives who reside in St. Vincent and the Grenadines and if possible their relationship to the purported respondents within 21 days of this order. 2. The hearing of this application is adjourned for further consideration on 26th September 2017 at the next Chamber Hearing.

Reason:		The Court noted that the applicant has not provided any details of the purported respondent's relative who resides in St. Vincent and the Grenadines.
Case Name:		The News Limited v [1] Joseph Delves [2] Venold Coombs [SVGHCVAP2017/0011] (Saint Vincent and the Grenadines)
Date:		Monday, 31st July 2017
On paper:		
	Applicant:	Elizabeth Law Chambers
Issue:		Application for extension of time to file and serve notice of appeal and submissions
Result / Order:		IT IS HEREBY ORDERED THAT: The documents are deemed properly filed and served.
Case Name:		C & R Enterprises Limited v Bank of St. Vincent and The Grenadines Ltd. [SVGHCVAP2016/0034] (Saint Vincent and the Grenadines)
Date:		Monday, 31st July 2017
On paper:		

	Appellant/ Applicant:	Ms. Maia Eustace
Issue:		Application for stay of execution and all further proceedings
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The execution and all further proceedings on the order of Honourable Madame Justice Esco Henry read the 30 th day of November 2016 be stayed until the appeal therefrom. 2. The costs of this application abide the result of the appeal.
Reason:		The Court noted the order of Baptiste JA dated 20 th February 2017, as well as the affidavit of service filed on 27 th March 2017 evidencing service of the notice of application, affidavit and exhibits on the respondent.
Case Name:		Ennis Hector v Commissioner of Police [SVGMCRAP2017/0026] (Saint Vincent and the Grenadines)
Date:		Monday, 31st July 2017
On paper:		
	Applicant:	In person
Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The Registrar is to comply with the order of 4 th July 2017 within 7 days of this order. 2. The Registrar of the High Court shall furnish the

		Court with proof of service within 21 days of this order. 3. The application is adjourned for further consideration at the next Chamber Hearing on 26th September 2017.
Reason:		The Court noted that the order of Webster JA has not been complied with.
Case Name:		Helon Quammie v Learna Quammie (Sole Executrix of the Estate of Guardsman Quammie, deceased) [SVGHCVAP2017/0002] (Saint Vincent and the Grenadines)
Date:		Monday, 31 st July 2017
On paper:		
	Applicant:	Mr. Andreas M. Coombs
	Respondent:	Robertson & Robertson
Issue:		Application for a stay of execution
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The application for stay is to be served on the respondent within 14 days of this order. 2. The applicant is to file and serve proof of service. 3. The hearing of this application is adjourned for further consideration at the next Chamber Hearing which is scheduled for 26th September 2017.
Reason:		The Court noted that there is no affidavit of service of the application for stay.

Case Name:		Kim Russell Romney v John Chinnery [BVIHCVAP2017/0001] (Territory of the Virgin Islands)
Date:		Monday, 31st July 2017
On paper:		
	Applicant:	Maximea & Co. Law Chambers
Issues:		Application for extension of time to deem documents properly served – Application to amend notice of appeal and other documents
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The time for the hearing of the application is abridged to 31st July 2017. 2. The respondents shall file and serve an affidavit in response within 14 days of the date of this order. 3. The respondent is to file and serve written submissions within 21 days thereafter. 4. The application is adjourned for further consideration after.
Reason:		The Court noted the affidavits of service and certificates of exhibits filed on 26th May 2017 and 15th June 2017. The Court also noted the Order of Webster JA dated 4th July 2017 wherein the time for service of the notice of appeal was extended and the notice deemed properly filed. The Court further noted the affidavit of service and certificate of exhibits filed on 27th July 2017.

Case Name:		Daselina Investments Limited v Onexim Group Management Limited [BVIMCAP2017/0017] (Territory of the Virgin Islands)
Date:		Monday, 31st July 2017
On paper:		
	Applicant:	Mr. Andrew Willins, Appleby
Issue:		Application for discontinuance
Result / Order:		IT IS HEREBY ORDERED THAT: The notice of discontinuance having been filed the application for permission to appeal is hereby discontinued and dismissed of 28 th July 2017.
Case Name:		Kim Russell Romney v John Chinnery [BVIHCVAP2017/0001] (Territory of the Virgin Islands)
Date:		Friday, 4th August 2017
On paper:		
	Applicant:	Maximea & Co. Law Chambers
Issues:		Application for extension of time to deem documents properly served – Application to amend notice of appeal and other documents
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Leave is granted to amend notice of appeal.

		2. The appellant is to serve the amended notice of appeal within 14 days of this order. 3. Thereafter the appeal to proceed in accordance with CPR 2000.
Reason:		The Court noted the affidavits of service and certificates of exhibits filed on 26th May 2017 and 15th June 2017. The Court also noted the Order of Webster JA dated 4th July 2017 wherein the time for service of the notice of appeal was extended and the notice deemed properly filed. The Court further noted the affidavit of service and certificate of exhibits filed on 27th July 2017.