

CHAMBER HEARING

May 2017

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mde. Gertel Thom, Justice of Appeal

Case Name: Jenny Lindsay
Jenny Lindsay & Associates
v
Thomas Edward Carty
[AXAHCVAP2015/0007]
(Anguilla)

Date: Thursday, 4th May 2017

On paper:

Applicant/ Respondent:	Ms. Yanique L. Stewart (J.A.G. Gumbs & Co.)
Respondent/ Appellant:	Ms. Jenny Lindsay

Issue: Application by legal practitioner to be removed from record

Result / Order: IT IS HEREBY ORDERED THAT:

1. J.A.G. GUMBS & Co, be removed from the record as representing the respondent.
2. The applicant shall serve a copy of this order of the legal practitioners for the appellants and personally on Thomas Edward Carty within 14 days of the date of this order.
3. The applicant shall file a certificate of service of the order on the appellants and Thomas Edward Carty.

Reasons: The Court was of the view that the applicant had provided good reasons for removal from the record. The

Court was also satisfied that the applicant had met the requirements of rule 63.6 of the Civil Procedure Rules 2000.

Case Name: **Titus Gabriel Theodore Francis**
v
Noreen Natalie Francis

[ANUHCVP2014/0032]
(Antigua and Barbuda)

Date: **Thursday, 4th May 2017**

On paper:

Applicant/ Respondent:	Mr. Rushaine Cunningham (Williams Grant Inc.)
Respondent/ Appellant	Dr. David Dorsett (Watt, Dorsett & Co.)

Issue: **Application for extension of time to file counter notice of appeal – Application for relief from sanctions**

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

- 1. The applicant shall provide evidence of service of the application and affidavit in support and supporting documents on the appellant within 14 days of the date of this order.**
- 2. Hearing of this application is adjourned to the next chamber hearing scheduled for 6th June, 2017.**

Reasons: **The Court noted that there was no evidence of service of the application and the supporting documents on the respondent/appellant**

Case Name:

Hilroy Humphreys

v

Ian Peters

[ANUHCVP2011/0031]

(Antigua and Barbuda)

Date:

Thursday, 4th May 2017

On paper:

Applicant:

Mr. Septimus A. Rhudd (Rhudd & Associates)

Issues:

Application for leave to serve notice of appeal by substituted service

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant/appellant be at liberty to serve the notice of appeal in this matter on the respondent, Ian Peter by way of two (2) publications in a local newspaper, said publications being 7 days apart.**
- 2. The applicant is to file the appropriate affidavit of service with copies of the newspaper exhibited thereto.**
- 3. That there be no order as to costs.**

Case Name:

Mount St. John's Medical Centre Board

v

Jace Sam (a minor)

by his next friend Toshanna Longhorn

[ANUHCVP2017/0004]

(Antigua and Barbuda)

Date:

Thursday, 4th May 2017

On paper:

Applicant : Mrs. Andrea C. Roberts Nicholas (Roberts & Co.)

Respondent: Mrs. Denise Jonas Parillon (Jonas Parillon & Co.)

Issue: Application for extension of time to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The respondent shall file and serve on the applicant a copy of the medical report from the Mount St. John's Medical Centre and which was tendered in the Magistrate's Court as "TL3" within 14 days of the date of this order and provide proof of service on the applicant within 21 days of the date of this order.
2. The application is adjourned to the next chamber hearing scheduled for 6th June, 2017.

Reason:

The Court noted that a copy of the medical report from the applicant which was tendered in the Magistrate's court and on which the respondent relies to show there is no prospect of the appeal succeeding was not attached to the respondent's affidavit

Case Name:

Norman Aviation Flight Training Academy Inc.

v

Leroy Smith

Dulani Smith

[ANUHCVP2017/0006]

(Antigua and Barbuda)

Date:

Thursday, 4th May 2017

On paper:

Applicant: Ms. Grace Norman

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

Issues: Application for relief from sanctions – Application for extension of time – Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time and leave to file a notice of appeal against the order of Her Ladyship Mde. Justice Roslyn Wilkinson dated 19th January, 2017.
2. The applicant shall file a notice of appeal within 21 days of the date of this order.
3. Thereafter the appeal shall proceed in accordance with CPR 2000.
4. The applicant shall pay the respondents costs in the sum of \$750.

Reasons: The Court had regard to the length of delay, the reasons for the delay, the prospects of success and the degree of prejudice to the respondents. The Court was of the view that the applicant had met the requirements for the grant of an extension of time for and leave to appeal.

Case Name: RBC Royal Bank of Canada
v
Lionel Nedwell

[ANUHCVP2017/0008]
(Antigua and Barbuda)

Date: Thursday, 4th May 2017

On paper: Applicant: Ms. C. Debra Burnette (Henry & Burnette)

Issue: Application for leave to appeal – Application for stay of proceedings pending determination of appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. Leave is granted to the applicant to file a notice of appeal against the order of Her Ladyship Mde. Justice Roslyn Wilkinson made on 13th March, 2017.
2. The applicant shall file the notice of appeal within 14 days of the date of this order and thereafter the appeal shall proceed in accordance with CPR 2000.
3. A stay of proceedings is granted pending the determination of the appeal.
4. No order as to costs.

Reason:

The Court was of the view that the applicant had met the requirements for the grant of leave to appeal and for a stay of proceedings pending determination of the appeal.

Case Name:

Flat Point Development Limited

v

Mary Dooley

**[ANUHCVP2015/0029]
(Antigua and Barbuda)**

Date:

Thursday, 4th May 2017

On paper:

Applicant: Ms. Jacqueline Walwyn (The Law Cottage)

Respondent: Rika Bird and Associates

Issue:

Application for leave to appeal – Application for stay of execution

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall file a copy of the order of Her Ladyship Mde. Justice Pearlette Lanns dated 7th March 2017 within 14 days.
2. The application is adjourned to the next chamber hearing scheduled for 6th June 2107.

Reasons: The Court noted that the order of the learned judge being appealed was not attached to the application.

Case Name: Liana Leanne Prince Charles
v
Derrickson Charles
[DOMHCVAP2013/0023]
(Commonwealth of Dominica)

Date: Thursday, 4th May 2017

On paper:

Applicant: Mrs. Gina Dyer-Munro (Dyer & Dyer)

Respondent: Mrs. Hazel Johnson (deFreitas, deFreitas and Johnson)

Issue: Application for extension of time to file and serve submissions – Application for relief from sanctions

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant shall provide proof of service of the application and supporting documents on the respondent within 14 days of the date of this order.
2. The application is adjourned to the next chamber hearing scheduled for 6th June, 2017.

Reason: The Court noted that there was no evidence of service of the application and supporting documents on the respondent.

Case Name: Bertie Jeffers
Bertist Jeffers

v
Kerlvin Julien
Alexandrina Victorine

[DOMHCVAP2017/0005]
(Commonwealth of Dominica)

Date: **Thursday, 4th May 2017**

On paper:

Applicant: **Mrs. Gina Dyer-Munro (Dyer and Dyer)**

Issue: **Application for leave to appeal – Application for stay of execution**

**Result / Order &
Reason:**

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall file a copy of the order of Her Ladyship Mde. Birnie Stephenson dated 14th March 2017 within 14 days of the date of this order.**
- 2. The application is adjourned to the next Chamber Hearing scheduled for 6th June 2017.**

Case Name: **Harold Tyson**
v
The Queen

[DOMHCRAP2017/0001]
(Commonwealth of Dominica)

Date: **Thursday, 4th May 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 shall provide the Court with a copy of the Certificate of conviction and sentence imposed on the applicant within 14 days of the date of this order.
2. The application is adjourned to the next chamber hearing scheduled for 6th June 2017.

Reasons:

The Court noted that the certificate of conviction and sentence was not attached to the application.

Case Name:

Arthur Braveboy

v

The Queen

[GDAHCRAP2017/0003]

(Grenada)

Date:

Thursday, 4th May 2017

On paper:

Applicant:

In person

Issues:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide the court with a copy of the certificate of conviction and sentence of the applicant within 14 days of the date of this order.
2. The application is adjourned to the next Chamber hearing scheduled for 6th June 2017.

Reason:

The Court noted that the certificate of conviction and sentence was not attached to the application.

Case Name:

**Samike St. Hillaire
v
Commissioner of Police
[GDAMCRAP2017/0003]
(Grenada)**

Date:

Thursday, 4th May 2017

On paper:

Applicant: Mr. Anselm B. Clouden (Grenlaw)

Issue:

Application for extension of time to file notice of appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall provide proof of service of the application and affidavit in support on the Director of Public Prosecutions within 14 days of the date of this order.**
- 2. The applicant shall provide the court with a copy of the certificate of conviction and sentence within 14 days of the date of this order.**
- 3. The application is adjourned to the next Chamber Hearing scheduled for 6th June 2017.**

Reason:

The Court noted that the certificate of conviction and sentence was not attached to the application. The Court also noted that there was no evidence of service of the notice of application together with the affidavit in support with exhibits on the Director of Public Prosecutions.

Case Name:

**Bevin Ettienne
v
The Queen
[GDAHCRAP2017/0006]
(Grenada)**

Date: Thursday, 4th May 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 provide the court with a copy of the certificate of conviction within 14 days of the date of this order.
2. The Registrar of the High Court shall serve a copy of the application for extension of time to appeal and the certificate of conviction and sentence on the Director of Public Prosecutions within 14 days of the date of this order and shall provide the court with proof of service within 21 day of the date of this order.
3. The application is adjourned to the next Chamber Hearing scheduled for 6th June, 2017.

Reasons:

The Court noted that the certificate of conviction and sentence was not attached to the application. The Court also noted that there was no evidence of service of the application on the Director of Public Prosecutions.

Case Name:

**Jacqueline Charles
(Personal Representative of the Estate of Joshua
Thorne, deceased)
v
Emery Thorne**

**[GDAHCVAP2017/0010]
(Grenada)**

Date: Thursday, 4th May 2017

On paper:

Applicant: Mr. Ian H.H. Sandy (Amicus Attorneys)

Respondent: Ms. Celene Edwards (Law Office of George E.D.Clyne)

Issue: Application for extension of time to appeal – Application for leave to appeal – Application for stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:
The application is adjourned to the next chamber hearing scheduled for 6th June 2017.

Case Name:

**Phillip Brelsford
Joel Orsborne
Ingrid Osborne
Alyn Krause
Gail Krause
Kenneth Allen QC
v
Providence Estate Limited
Owen M. Rooney**

**[MNIHCVAP2016/0008/0009/0010/0011]
(Monsterrat)**

Date: Thursday, 4th May 2017

On paper:

Applicant/ Respondents:	Mr. Owen Rooney, Director, Company and Treasurer of record
Respondent/ Appellants:	Mr. Kharl Markham (Allen Markham & Associates)

Issues: Application to compel service via email

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant shall provide the court with proof of service of the application on the appellants within 14 days of the date of this order.

2. The application is set down for hearing at the next sitting of the court of Appeal in the Territory of Montserrat during the week commencing 29th May 2017

Reason: The Court noted that was no evidence of service of the application on the respondents/appellants.

Case Name: Owen M. Rooney
v
The Bank of Montserrat
[MNIHCVAP2017/0001]
(Monsterrrat)

Date: Thursday, 4th May 2017

On paper: Applicant: Mr. Owen Rooney, Director, Company and Treasurer of record

Issues: Case management

Result / Order: IT IS HEREBY ORDERED THAT:
This matter is set down for status hearing at the next sitting of the Court of Appeal in the Territory of Montserrat during the week commencing 29th May 2017.

Reason: The Court, having read the affidavit in support of a stay of proceedings and witness statement of Owen Rooney filed on 13th February 2017, noted that there was no application for a stay of proceedings filed in the matter. The Court also noted that there was no evidence of service of any document in this matter on the respondent.

Case Name:

**Providence Estate Limited
Owen M. Rooney**

v

**Kenneth Allen, QC
Kharl Markham**

**[MNIHCVAP2017/0002]
(Monsterrat)**

Date:

Thursday, 4th May 2017

On paper:

Applicant:

**Mr. Owen Rooney, Director, Company and Treasurer of
record (Providence Estate Limited)**

Issues:

Case management

Result / Order:

IT IS HEREBY ORDERED THAT:

**This matter is set down for status hearing at the next
sitting of the Court of Appeal in the Territory of
Montserrat during the week commencing 29th May 2017**

Reason:

**The Court, having read the skeleton arguments in
support of an interlocutory appeal to quash injunctions
filed on 13th February 2017, noted that there was no
application to quash an injunction granted by the High
Court of Montserrat nor was there a copy of the
injunction sought to be quashed filed with the skeleton
arguments. The Court also noted that there was no
evidence of service of any document in this appeal on
the respondents.**

Case Name:

**1. Kevin Horstwood
2. Exclusive Hotels Limited**

v

- 1. First Caribbean Bank International
(Barbados) Limited**
- 2. Belmont Resorts Limited**
- 3. The Registrar of the High Court**
- 4. Attorney General of the Federation of St.
Kitts and Nevis**
- 5. Kate Walwyn**
- 6. Lemon Grove Company Limited**

**[SKBHCVAP2016/0013]
(Federation of Saint Christopher and Nevis)**

Date: Thursday, 4th May 2017

On paper:

Applicant/6th Respondent:	Mr. Gregory Gilpin-Payne, Director (Lemon Grove Company Limited)
---	---

Issues: Application by sixth respondent to strike out notice of change of solicitor – Application to reinstate application to strike out appellants appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall provide to the court proof of service of the application and affidavit in support with exhibits on the appellants within 14 days of the date of this order.**
- 2. The application is adjourned to the sitting of the Full court of Appeal during the week commencing 12th June 2017.**

Reason:

The Court noted that there was no evidence of service of the application and affidavit in support on the appellants/respondents. The Court also noted that the appeal was adjourned to the sitting of the Court of Appeal during the week commencing 12th June 2017.

Case Name:

**Adam Bilzerian
v
Gerald Lou Weiner**

**[SKBHCVAP2016/0019]
(Federation of Saint Christopher and Nevis)**

**Adam Bilzerian
v
Gerald Lou Weiner**

**[SKBHCVAP2016/0021]
(Federation of Saint Christopher and Nevis)**

Date: Thursday, 4th May 2017

On paper:

Applicant: In person

Respondent: Ms. Jean M. Dyer (Keithley Lake & Associates)

Issues: Application to consolidate appeals SKBHCVAP2016/0019 and SKBHCVAP2016/0021

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. Appeals No. SKBHCVAP2016/19 and SKBHCVAP2016/21 are hereby consolidated.**
- 2. The appellant shall file the written submissions and the bundles of documents within 21 days of the date of this order.**
- 3. The appeal shall proceed in accordance with CPR 2000.**

Reason:

The Court noted the notice of consent filed by the respondents on 28th April 2017 in which the respondents consented to the applicant's application to consolidate the appeals.

Case Name:

Yanne Drysdale

v

The Queen

[SLUHCRA2017/0003]

(Saint Lucia)

Date:

Thursday, 4th May 2017

On paper:

Applicant:

In person

Issues:

Application for leave to appeal out of time

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall provide the court with a copy of the certificate of conviction and sentence within 14 days of the date of this order.**
- 2. The Registrar of the High Court shall serve a copy of the application and certificate of conviction and sentence on the Director of Public Prosecutions within 14 days and shall provide proof of service to the court within 21 days of the date of this order.**
- 3. The application is adjourned to the next Chamber hearing scheduled for June, 2017.**

Reason:

The Court noted that the certificate of conviction and sentence was not attached to the application. The Court also noted that there was no evidence of service of the application on the Director of Public Prosecutions.

Case Name:

**The Ministry of the Public Service Information
and Broadcasting**

v

Vincent Marcel

**[SLUHCVAP2017/0006]
(Saint Lucia)**

Date: Thursday, 4th May 2017

On paper:

Applicant: Ms. Jan Drysdale (Attorney General's Chambers)

Respondent: Mr. Andie George

Issues: Application for extension of time to serve notice of appeal and file submissions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The appellant is granted an extension of time to 18th May 2017 to serve the notice of appeal and file and serve the skeleton submissions on the respondent.
2. The appeal shall proceed in accordance with CPR 2000.

Reason:

The Court noted that there was no opposition by the respondent to the application. The Court was of the view that the applicant had met the threshold requirements for the grant of an extension of time to appeal.

Case Name:

**Michael Charles
v
Nancy Francis-Charles
[SLUHCVAP2015/0030]
(Saint Lucia)**

Date: Thursday, 4th May 2017

On paper:

Applicant: Mr. Horace Fraser

Respondent: Mr. Leslie Prospere (Gordon, Gordon & Company)

Issues: Application for leave to admit fresh evidence

Result / Order: IT IS HEREBY ORDERED THAT:
The application is set down for hearing by the Full Court at the next sitting of the Court of Appeal in the State of St. Lucia during the week commencing Monday, 26th June, 2017.

Case Name: Paul Hackshaw
v
Saint Lucia and Air and Sea ports Authority
[SLUHCVP2017/0012]
(Saint Lucia)

Date: Thursday, 4th May 2017

On paper:
Applicant: Mr. Leslie Prospere (Gordon, Gordon & Company)
Respondent: Mr. Mark D. Maragh

Issues: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. Leave is granted to the applicant to file a notice of appeal within 21 days from the date of this order.
2. Thereafter the appeal shall proceed in accordance with CPR 2000.

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

Case Name:

**1. Peter Hippolyte
2. Michael Augustin
3. Martinus Alexander
v
The Queen**

**[SLUHCRA2017/0005]
(Saint Lucia)**

Date:

Thursday, 4th May 2017

On paper:

Applicant:

Mr. Horace Fraser

Issues:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. Leave is granted to appeal the order of His lordship The Hon. Mr. Kenneth Benjamin made on February 11, 2011.**
- 2. The applicants shall file a notice of appeal within 21 days of the date of this order.**
- 3. Thereafter the appeal shall proceed in accordance with CPR 2000.**

Case Name:

**Dennis Hadaway
v
Randolph Springer**

**[SVGHC2016/0024]
(Saint Vincent and the Grenadines)**

Date:

Thursday, 4th May 2017

On paper:

Applicant: Mr. Andreas Coombs (Olin Dennie Law Chmabers)

Issues: Application of extension of time to serve notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant shall file the affidavit of service pursuant to paragraph 1 of the order of His Lordship The Hon. Mr. Mario Michel Justice of Appeal within 14 days of the date of this order.
2. Thereafter the appeal shall proceed in accordance with CPR 2000.

Reason: The Court noted the order His Lordship the Hon. Mr. Mario Michel, Justice of Appeal made on 19th April 2017. The Court further noted that the applicant had not filed the affidavit of service pursuant to paragraph 1 of the said order.

Case Name: Reynold Young
v
The Queen
(SVGHCRAP2016/0009)
[Saint Vincent and the Grenadines]

Date: Thursday, 4th May 2017

On paper:
Applicant: In person

Issues: Application for bail

Result / Order: IT IS HEREBY ORDERED THAT:
Bail is granted to the appellant in the sum of \$5,000.00 with one surety.

Reason: The Court noted that there was no opposition to the

application by the Director of Public Prosecutions. The Court also noted the appeal was not listed for hearing at the sitting of the Court of Appeal in the State of Saint Vincent and the Grenadines scheduled for 8th – 12th May 2017. The Court had regard to the nature of the offence; the date of the conviction and the grounds of appeal and was of the view that it was likely that the appellant would serve a substantial portion of the sentence before the appeal is heard and that it was a fit case for the exercise of the discretion of the Court.

Case Name:	The News Limited v 1. Joseph Delves 2. Venold Coombs [SVGHCVAP2017/0011] (Saint Vincent and the Grenadines)
Date:	Thursday, 4th May 2017
On paper:	Applicant: Ms. Keisal M. Peters (Elizabeth Law Chambers)
Issues:	Application for leave to appeal
Result / Order:	IT IS HEREBY ORDERED THAT: 1. Leave to appeal is granted to each Applicant to file a Notice of Appeal against the order of the learned master Mr. Raulston Glasgow dated March 27, 2017. 2. The notice of appeal shall be filed within 21 days of the date of this order. 3. Thereafter, the appeal shall proceed in accordance with CPR 2000.
Reason:	The Court was of the view that the applicant had met the requirements for the grant of leave to appeal.