

CHAMBER HEARING

September 2017

MATTERS DEALT WITH ON PAPER

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

Case Name: **Damian Wilson**
v
Her Honour, the Magistrate, Ngaio Emmanuel

[ANUMCRAP2017/0003]
(Antigua and Barbuda)

Date: **Tuesday, 26th September 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 comply with the order of Blenman JA dated 31st July 2017 within 21 days of the date of this order; failure to do so the application will stand as dismissed.**
- 2. The application is adjourned to the next Chamber hearing scheduled for the 31st day of October 2017.**

Case Name: [1] Antigua Flight Training Center, Inc.
[2] Grace Norman
v
Eastern Caribbean Civil Aviation Authority
[ANUHCVP2017/0015]
(Antigua and Barbuda)

Date: Tuesday, 26th September 2017

On paper:
Applicants: Ms. Grace Norman

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The hearing of this application is set down for the next sitting of the Court in Antigua and Barbuda during the week commencing 6th November 2017.

Reason: The Court had regard to CPR 62.2A.

Case Name: Trevor Boston
v
The Queen

[ANUHCVP2017/0002]
(Antigua and Barbuda)

Date: Tuesday, 26th September 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 cause the application for leave to appeal to be served on the Director of Public Prosecutions on or before 14th October 2017.
2. The Registrar of the High Court is directed to provide proof of service within 14 days of this order.
3. The application is adjourned to the next Chamber Hearing scheduled for the 31st day of October 2017.

Reason:

The Court noted that the Registrar has not complied with the Orders of Webster JA and Blenman JA dated 4th and 31st July 2017, respectively.

Case Name:

Michael Josiah

v

Andrea Joseph

**[ANUHCVP2015/0031]
(Antigua and Barbuda)**

Date:

Tuesday, 26th September 2017

On paper:

Appellant: Mr. Hugh C. Marshall

Respondent: Roberts & Co.

Issues:

Application for extension of time to file skeleton arguments – Application for relief from sanctions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The respondent's application filed on 21st July 2017 is granted.
2. The respondent is granted leave to file skeleton arguments in response on or before 4th October 2017.
3. No order as to costs.

Reason: The Court noted that the parties have agreed that time should be extended to the respondent until 4th October 2017 and that no costs should be awarded on the application.

Case Name: [1] Glouster Pierre
[2] Eudora Pierre
v
[1] Cecil James
[2] Nathalie James
[DOMHCVAP2012/0010]
(Commonwealth of Dominica)

Date: Tuesday, 26th September 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:
The application is adjourned to the next status hearing in the Commonwealth of Dominica during the week commencing 19th March 2018.

Reason: The Court noted the order of Blenman JA dated 31st July 2017 and that the said order has not been complied with.

Case Name:

Edmay Titre

v

The Police

**[DOMMCRAP2017/0010]
(Commonwealth of Dominica)**

Date:

Tuesday, 26th September 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:

**The applicant is granted an extension of time to file a
notice of appeal on or before 31st January 2018.**

Case Name:

Antonio Charlie Matthew

v

The State

**[DOMHCRAP2017/0003]
(Commonwealth of Dominica)**

Date:

Tuesday, 26th September 2017

On paper:

Applicant:

In person

Respondent:

The Director of Public Prosecutions

Issue:

Application for leave to appeal against sentence

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall provide this Court with a copy of the certificate of conviction and sentence on or before 31st January 2018.
2. The application is adjourned to a date to be fixed by the Chief Registrar.

Reason:

The Court noted that the applicant has not filed the certificate of conviction and sentence.

Case Name:

**Karen Roden Layne
v
Grenada Cooperative Bank Ltd.**

**[GDAHCVAP2017/0012]
(Grenada)**

Date:

Tuesday, 26th September 2017

On paper:

Applicant: Mr. Jerry Edwin

Issue:

Application to deem documents filed together with application for leave to appeal being documents filed with notice of appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for an order deeming the bundle of documents filed on 25th May as satisfying the requirements of CPR 62.10 is refused.

Reason:

The Court was of the view that the requirements of CPR 62.10 would not be satisfied as CPR 62.10 requires specific documents and number of bundles to be filed.

Case Name:

Sheldon Bain

v

The Queen

**[GDAHCRAP2017/0011]
(Grenada)**

Date:

Tuesday, 26th September 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 this Court with a copy of the Certificate of conviction and sentence within 7 days of the date of this Order.**
- 2. The application is set down for hearing during the next Status Hearing.**

Reason:

The Court noted that the certificate of conviction and sentence was not filed with the application for leave to appeal.

Case Name:

**Bank Crozier Limited (In Liquidation)
(Through Garvey Louison Liquidator)**

v

RBTT Bank Grenada Limited

**[GDAHCVAP2017/0013]
(Grenada)**

Date:

Tuesday, 26th September 2017

On paper:

Applicant: Ms. Naeisha John-Diarra

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application for leave to appeal filed on 26th May 2017 is hereby struck out.

Reason: The Court noted that the application was made out of time and that there was no order of the Court granting an extension of time.

Case Name: Joseph Wilson
v
The Queen

[GDAHCRAP2017/0012]
(Grenada)

Date: Tuesday, 26th September 2017

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 this Court with a copy of the certificate of conviction and sentence within 7 days of the date of this order.
2. The application is set down for hearing during the next Status Hearing.

Reason: The Court noted that the certificate of conviction and sentence was not filed with the application for leave to appeal.

Case Name: Raymond Beggs
v
The Queen
[GDAHCRAP2017/0014]
(Grenada)

Date: Tuesday, 26th September 2017

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 this Court with a copy of the certificate of conviction and sentence within 7 days of the date of this order.
2. The application is set down for hearing at the next Status Hearing.

Reason: The Court noted that the certificate of conviction and sentence was not filed with the application for leave to appeal.

Case Name: Dwayne Nigel Charles
v

The Queen

**[GDAHCRAP2017/0013]
(Grenada)**

Date: Tuesday, 26th September 2017

On paper:

Applicant: In person

Issue: Application for leave to appeal against conviction and sentence

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide this court with a copy of the certificate of conviction and sentence within 7 days of the date of this order.
2. The application is set down for the next Status Hearing on 31st October 2017.

Reason:

The Court noted that the notice of application was not served on the Director of Public Prosecutions and a copy of the certificate of conviction and sentence was not filed with the said application.

Case Name:

**Nevis Electricity Company Limited
v
Maureen Webbe**

**[SKBHCVAP2017/0011]
(Saint Christopher and Nevis)**

Date: Tuesday, 26th September 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 a stay of claim in High Court pending determination of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for a stay of execution of the decision of Williams J is struck out.
2. The applicant shall pay the respondent costs in the sum of \$1,500.00.

Reason: The Court noted the order of Blenman JA dated 31st July 2017 by which leave was granted to the applicant to appeal the decision of Williams J.
The Court further noted that the applicant has failed to file a notice of appeal and the time for doing so has expired and the applicant has not sought an extension of time within which to do so.

Case Name: Karissa C. Browne
v
Enoete Larry Inanga
[SKBMCVAP2017/0007]
(Saint Christopher and Nevis)

Date: Tuesday, 26th September 2017

On paper: Applicant: S.A.M. Legal Services

Respondent: Aberdeen Law

Issue: Application for stay of execution of magistrate's order

Result /Order: IT IS HEREBY ORDERED THAT:
The application is granted and the submissions and authorities are deemed properly filed.

Reason: The Court noted the Orders of the Hon. Dame Janice M. Pereira, Chief Justice dated 2nd and 10th August 2017, respectively. The Court also noted correspondence from the legal representatives for the appellant/applicant dated 24th August 2017.

The Court noted the affidavits of service filed on 25th September 2017 evidencing service of the application, submissions and authorities among other documents on the respondent on 31st August, 1st and 11th and September 2017 respectively. The Court further noted that there is no opposition to the application for extension of time.

Case Name: Arthur Bradshaw
v
Jeremiah French
[SKBMCVAP2017/0005]
(Saint Christopher and Nevis)

Date: Tuesday, 26th September 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 comply with the order of Blenman JA dated 31st July 2017 within 21 days of the date of this order, failure to do so the application shall stand dismissed.
2. The application is adjourned to the next Chamber Hearing scheduled for 31st October 2017.

Reason: The Court noted that the appellant has not complied with the order of Blenman JA dated 31st July 2017.

Case Name: [1] Chris Kanhai
[2] Saint Michael's Foundation Ltd.
(now St. Michael's Hospitality Corporation Ltd.)
v
Barden Holding Inc.
(successor to Geostar Inc.)
[SKBHCVAP2017/0013]
(Saint Christopher and Nevis)

Date: Tuesday, 26th September 2017

On paper: **Applicants:** Mr. John Cato

Issue: Application for leave to appeal

Result /Order: IT IS HEREBY ORDERED THAT:
The hearing of this application is set down for the next sitting of the Court in the Federation of St. Christopher and Nevis.

Reason: The Court had regard to CPR 62.2(5).

Case Name: Bessage Ltd.
v
[1] Saint Michael's Foundation Ltd.
(now St. Michael's Hospitality Corporation Ltd.)
[2] St Kitts Nevis Anguilla National Bank Limited
[SKBHCVAP2017/0014]

(Saint Christopher and Nevis)

Date: Tuesday, 26th September 2017

On paper:

Applicant: Mr. John Cato

Respondents: In person

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

Result /Order: IT IS HEREBY ORDERED THAT:
The hearing of this application is set down for the next sitting of the Court in the Federation of St. Christopher and Nevis.

Reason: The Court had regard to CPR 62.2(5).

Case Name: Fire Service Association
v
[1] Public Service Commission
[2] Chief Fire Officer
[3] The Attorney General

[SLUHCVAP2010/0013]
(Saint Lucia)

Date: Tuesday, 26th September 2017

On paper:

Applicant: Ms. Cynthia Hinkson-Ouhla

Respondents: The Attorney-General

Issue: Application for leave to appeal

Result /Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is granted an extension of time to file an application for leave to appeal and the application filed on 2nd June 2017 is deemed properly filed.
2. The application for leave to appeal is granted.
3. The applicant shall file a notice of appeal within 21 days of the date of this order.

Reason:

The Court noted that that there is no objection to the application. The Court was of the opinion that the applicant has met the requirements for the grant of an extension of time to file an application for leave to appeal and for leave to be granted to file a notice of appeal of the order of the Registrar of the High Court.

Case Name:

[1] Leona King
[2] Christopher Elibox
[3] Petrona Naitram
[4] Rosaline Narcisse

v

[1] Reginald Elibox (represented by his
Executor, Rebecca Elibox)
[2] Rebecca Elibox

[SLUHCVP2016/0003]
(Saint Lucia)

Date:

Tuesday, 26th September 2017

On paper:

Applicants: Fraser & Company

Respondents: Selma Finistere

Issue:

Application to dismiss the notice of appeal

Result /Order:

IT IS HEREBY ORDERED THAT:

1. The appellants have liberty to seek leave of the Court within 14 days of the date of this Order for an extension of time within which to file the skeleton arguments.
2. Costs to the respondents in the sum of \$500.00.

Reason:

The Court noted that the appellants do not deny that they have failed to file skeleton arguments and therefore have not complied with CPR 62.11.
The Court noted further that the appellants have not made an application for an extension of time within which to file their skeleton arguments.

Case Name:

**Pizza! Pizza! Limited
v
The Bank of Nova Scotia

[SLUHCVAP2017/0001]
(Saint Lucia)**

Date:

Tuesday, 26th September 2017

On paper:

**Applicant: Mr. Colin Foster
Respondent: Mr. Michael DuBoulay**

Issue:

Application for leave to deem application properly filed to revoke order of a single judge – Application to revoke order of a single judge

Result /Order:

IT IS HEREBY ORDERED THAT:

1. The application for an extension of time is granted and the application filed on 24th July 2017 is deemed properly filed.
2. Costs to the respondent in the sum of \$500.

Reason:

The Court noted that the application was not filed within

14 days of the date of the order of Webster JA.

The Court was of the opinion that the applicant has met the requirements for the grant of an extension of time within which to make the application.

Case Name:

**Sinead Investments Limited
v
The Bank of Nova Scotia

[SLUHCVAP2017/0002]
(Saint Lucia)**

Date: **Tuesday, 26th September 2017**

On paper:

Appellant: **Mr. Colin Foster**

Respondent: **Mr. Michael DuBoulay**

Issues: **Application for leave to deem application properly filed to revoke order of a single judge – Application to revoke order of a single judge**

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

- 1. The application for an extension of time is granted and the application filed on 24th July 2017 is deemed properly filed.**
- 2. Costs to the respondent in the sum of \$500.**

Reason: **The Court noted that the application was not filed within 14 days of the date of the order of Webster JA. The Court was of the opinion that the applicant has met the requirements for the grant of an extension of time within which to make the application.**

Case Name: **Charthouse Restaurant Limited**
v
The Bank of Nova Scotia
[SLUHCVAP2017/0003]
(Saint Lucia)

Date: **Tuesday, 26th September 2017**

On paper:
Appellant: **Mr. Colin Foster**
Respondent: **Mr. Geoffrey DuBoulay**

Issues: **Application for leave to deem application properly filed to revoke order of a single judge – Application to revoke order of a single judge**

Result /Order: **IT IS HEREBY ORDERED THAT:**
1. The application for an extension of time is granted and the application filed on 24th July 2017 is deemed properly filed.
2. Costs to the respondent in the sum of \$500.

Reason: **The Court noted that the application was not filed within 14 days of the date of the order of Webster JA.**
The Court was of the opinion that the applicant has met the requirements for the grant of an extension of time within which to make the application.

Case Name: **[1] Chemico Manufacturing & Investments Ltd.**
[2] The Roserie Company Ltd.
v
First Caribbean International Bank
(Barbados) Ltd.
[SLUHCRAP2017/0027]

(Saint Lucia)

Date: Tuesday, 26th September 2017

On paper:

Applicants: Ms. Cynthia Hinkson-Ouhla

Respondent: McNamara & Co.

Issues: Application for extension of time for leave to appeal –
Application for leave to appeal – Application for stay of
proceedings – Whether dispute between parties should
be determined at trial

Result /Order: IT IS HEREBY ORDERED THAT:
The applicants' applications for extension of time to file
leave to appeal and for leave to appeal are dismissed.

Reason: The Court considered the decision of Master Taylor-Alexander. The Court noted that the Court has a discretion to extend time and that in exercising its discretion the factors for consideration are: the length of the delay, the reasons for the delay, the chances of the appeal succeeding if the extension is granted and the degree of prejudice if the application is granted.

The Court considered that the delay is lengthy (being in excess of 3 years) and no satisfactory explanation has been advanced for the delay.

The Court was also of the view that a reasonable prospect of success has not been shown and the respondent has demonstrated sufficient prejudice to it if the application were to be granted.

Case Name: [1] The Roserie Company Limited
[2] Thomas Roserie
[3] Sonia Roserie
[4] Chemico Manufacturing & Investment Ltd.

**First Caribbean International Bank
(Barbados) Limited**

**[SLUHCVAP2017/0029]
(Saint Lucia)**

Date: Tuesday, 26th September 2017

On paper:

Applicants: Ms. Cynthia Hinkson-Ouhla

Respondent: McNamara & Co.

Issues: Application for extension of time for leave to appeal –
Application for relief from sanctions – Application for
leave to appeal – Application for a stay of proceedings –
Whether the issue of prescription be determined as part
of trial

Result /Order:

IT IS HEREBY ORDERED THAT:

1. The application for extension of time for leave to appeal is granted and the application for leave to appeal is granted.
2. The applicant shall file a notice of appeal within 21 days of the date of this order.
3. Costs to the respondent on the application for extension of time in the sum of \$500.

Reason:

The Court considered the decision of St. Rose-Albertini J. The Court noted that the Court has a discretion to extend time and to grant leave to appeal and that in exercising its discretion the factors for consideration are, the length of delay, the reasons for delay, the prospect of the appeal succeeding if the extension is granted and leave to appeal is granted, and the degree of prejudice if the application is granted.

The Court also considered that the delay is not lengthy (11 days) and a satisfactory explanation has been given for the delay, also that the applicants do have a reasonable prospect of success and that if an extension of time is granted and leave to appeal is granted the respondent would suffer some prejudice.

Case Name:

Jonathan David Lesfloris

v

Glenda Dale Lesfloris

[SLUHCVAP2015/0018]

(Saint Lucia)

Date:

Tuesday, 26th September 2017

On paper:

Appellant: Ms. Wauneen Louis-Harris

Respondent: Mr. Gerard Williams

Issues:

Application for leave to deem skeleton arguments properly filed

Result /Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall comply with the order of 31st July 2017 within 14 days, failure to do so the application shall stand dismissed.**
- 2. The application is adjourned to the next Chamber Hearing scheduled for 31st of October 2017.**

Reason:

The Court noted that the applicant has not complied with the order dated 31st July 2017.

Case Name:

Urban St. Brice

v

Director of Public Prosecutions

[SLUHCVAP2017/0033]

(Saint Lucia)

Date:

Tuesday, 26th September 2017

On paper:

Applicant: Ms. Natalie Da Breo

Issue: Application for leave to appeal

Result /Order: IT IS HEREBY ORDERED THAT:
This matter is referred for hearing at the sitting of the Full Court in Saint Lucia during the week commencing 11th December 2017.

Reason: The Court noted the affidavit of service filed on 10th August 2017.

Case Name:

Chaney Clerice

v

The Queen

**[SLUHCRA2017/0009]
(Saint Lucia)**

Date: Tuesday, 26th September 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 shall comply with paragraphs 1 and 2 of the order of 31st July 2017.
2. The application is adjourned to the next Chamber Hearing scheduled for 31st October 2017.

Reason: The Court noted the order of Blenman JA dated 31st July 2017. The Court noted further that the Registrar of the High Court has not complied with the terms of the order.

Case Name:

Dillan Donaie

v

The Queen

[SLUHCRA2017/0008]

(Saint Lucia)

Date:

Tuesday, 26th September 2017

On paper:

Applicant:

In person

Issue:

Application for leave to appeal

Result /Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted an extension of time to seek leave to appeal and leave to appeal is hereby granted to file a notice of appeal;**
- 2. The applicant shall file the notice of appeal within 21 days of the date of this order.**

Reason:

The Court noted that the Director of Public Prosecutions has made no opposition to the application. The Court was of the opinion that the applicant has met the requirements for an extension of time and for the grant of leave to appeal.

Case Name:

Keith Smith

v

[1] Gertrude Thomas

[2] Gervan Thomas

Date:

Tuesday, 26th September 2017

On paper:

Appellant: Theodore & Associates

Respondents: Ms. Veronica Barnard

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

Result /Order:

IT IS HEREBY ORDERED THAT:

1. The application for extension of time filed on 11th August 2017 is granted.
2. The record of appeal filed on 9th August 2017 is deemed to be properly filed.
3. No order as to costs.

Reason:

The Court noted the affidavit of service filed on 26th September 2017.

The Court also noted the correspondence from the respondents indicating that they have no objection to the application.

Case Name:

Vernantius Popo

v

**St. Lucia Seamen, Waterfront
and General Workers Trade Union**

[SLUHCVAP2017/0028]

(Saint Lucia)

Date:

Tuesday, 26th September 2017

On paper:

Applicant: Mr. Gerard Williams

Respondent:

Issue:

Application for leave to appeal

Result /Order:

IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal the order of Smith JA made on 13th July 2017 is granted.
2. The applicant shall file a notice of appeal within 21 days of the date of this order.

Reason: The Court was of the opinion the applicant has met the requirements for the grant of leave to appeal.

Case Name: Remona Grant
v
Roger Thomas

[SVGMCVAP2017/0002]
(Saint Vincent and the Grenadines)

Date: Tuesday, 26th September 2017

On paper:

Appellant:	Robertson & Robertson
Respondent:	In person

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

Result /Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall provide proof of service of the application and affidavit in support and exhibits on the Director of Public Prosecutions within 14 days of the date of this order.
2. The application is adjourned to the next Chamber Hearing scheduled for 31st October 2017.

Reason: The Court noted there is no evidence of service of the application and supporting affidavit on the Director of Public Prosecutions.

Case Name:

Danrick Williams

v

Daron Andrews

**[SVGHCVAP2017/0007]
(Saint Vincent and the Grenadines)**

Date:

Tuesday, 26th September 2017

On paper:

Applicant: Ms. Ashelle Morgan

Respondent: In person

Issues:

Application for extension of time to serve notice of appeal – Application that notice of appeal be served by specified method

Result /Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall comply with the order of 31st July 2017 within 21 days of the date of this order, failure to do so the application shall stand as dismissed.**
- 2. The application is adjourned to the next Chamber Hearing scheduled for 31st October 2017.**

Reason:

The Court noted the order of Blenman JA made on 31st July 2017. The Court further noted that the applicant has not complied with the order of 31st July 2017.

Case Name:

Patrick Lovelace

v

The Queen

[SVGHCRAP2009/0017]

(Saint Vincent and the Grenadines)

Date: Tuesday, 26th September 2017

On paper:

Applicant: In person

Issue: Application for leave to appeal against conviction and sentence

Result /Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall comply with the order made on 31st July 2017 within 21 days of the date of this order.
2. The application is adjourned to the next Chamber Hearing scheduled for 31st October 2017.

Reason:

The Court noted the decision of the Privy Council dated 15th June 2017. The Court further noted the order of Blenman JA made on 31st July 2017. The Court also noted that the Registrar of the High Court has not complied with the order dated 31st July 2017.

Case Name:

Ennis Hector

v

Commissioner of Police

[SVGMCRAP2017/0026]

(Saint Vincent and the Grenadines)

Date: Tuesday, 26th September 2017

On paper:

Appellant: 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 comply with the order dated 31st July 2017 within 21 days of the date of this order.
2. The application is adjourned to the next Chamber Hearing scheduled for 31st October 2017.

Reason:

The Court noted that the Registrar of the High Court has not complied with the order dated 31st July 2017.

Case Name:

**Helon Quammie
v
Learna Quammie
(Sole Executrix of the Estate of
Guardsman Quammie)**

**[SVGHCVAP2017/0002]
(Saint Vincent and the Grenadines)**

Date:

Tuesday, 26th September 2017

On paper:

Appellant:

Respondent:

Issue:

Application for stay of execution

Result /Order:

IT IS HEREBY ORDERED THAT:

1. The order made by Her Ladyship Justice Esco Henry on 7th December 2017 is stayed pending the determination of the appeal.
2. No order as to costs.

Reason:

The Court noted the affidavit of service filed on 21st August, 2017 evidencing service of the application and supporting documents on the respondent on 27th July 2017. The Court further noted that the respondent has

made no opposition to the application. The Court was of the opinion that the applicant has met the requirements for the grant of a stay of execution.

Case Name:

Carlos Penniston

v

The Queen

**[SVGHCRA2016/0016]
(Saint Vincent and the Grenadines)**

Date:

Tuesday, 26th September 2017

On paper:

Applicant:

In person

Issues:

Application to add additional grounds of appeal

Result /Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall cause a copy of the letter dated 21st April 2017 and the Notice of appeal dated 24th November 2016 to be served on the Director of Public Prosecutions within 14 days of the date of this order.**
- 2. The Registrar of the High Court shall provide proof of service to this court within 21 days of the date of this order.**
- 3. The application is adjourned to the next Chamber Hearing scheduled for 31st October 2017.**

Reason:

The Court noted that there is no evidence of service of the application on the Director of Public Prosecution.

Case Name:

Fairfield Sentry

v

- [1] Alfredo Migani & 22 Others**
- [2] Banco General SA/Banca Privada & 30 Others**
- [3] Bank Julius Baer & Co. Ltd 7 26 Others**
- [4] Bank Julius Baer & Co. Ltd 7 26 Others**
- [5] Arbitral Finance Inc & 23 Others**
- [6] Bank Julius Baer & Co. Ltd & 33 Others**
- [7] Wise Global Fund Limited**
- [8] Credit Suisse Lindon Nominees Limited**

**[BVIHCVAP2011/0014 - 21]
(Territory of the Virgin Islands)**

Date: Tuesday, 26th September 2017

On paper:

Applicant: Forbes Hare

Respondents: O'Neal Webster

Issue: Application for assessment of costs

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. Conditional upon Sanction being granted within 28 days, the respondent shall pay the applicants the sum of \$US160,000.00 as payment of the applicants' costs of the above-captioned appeals, pursuant to the Court's order dated 25th July 2011.**
- 2. If Sanction is not granted in accordance with paragraph 1 above, the parties are at liberty to restore the application by letter to the Court of Appeal.**
- 3. Save as aforesaid, there shall be no order as to costs.**

Reason:

The Court noted that the parties reached agreement in full and final settlement of the application (subject to the requisite sanction (Sanction) of the High Court (Commercial Division) for the Territory of the Virgin Islands (BVI Commercial Court) being granted to the liquidators of Fairfield Sentry Ltd for this purpose),

including upon the payment set out below.

The Court indicated that the hearing fixed for the application of 26th September 2017 has been vacated.

The Court indicated that the liquidators of Fairfield Sentry Limited (the Respondent) by their application dated 22nd September, 2017 in the BVI Commercial Court have applied for Sanction.

Case Name:

Global Ocean Transport Inc.

v

Dwight Flax for Ebony and Ivory Construction

[BVIHCVAP2017/0006]

(Territory of the Virgin Islands)

Date:

Tuesday, 26th September 2017

On paper:

Applicant: Alliance Law Partnership Ltd.

Respondent: Sabals Law

Issues:

Application for leave to appeal – Application for stay of execution

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for leave to appeal is granted, the applicant shall file a notice of appeal within 21 days of the date of this order.**
- 2. The application in respect of a stay of execution is adjourned to the next Chamber Hearing scheduled for 31st October 2017.**
- 3. The applicant shall file and serve on the respondent submissions with authorities in relation to the application for stay of execution within 7 days of the date of this order.**
- 4. The respondent shall file and serve submissions with authorities in response within 14 days of receipt of the applicant's submissions.**

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

Case Name: Kevin Gerald Stanford
v
[1] Stephen John Akers
[2] Mark McDonald
(as Joint Liquidators of Chesterfield United Inc.
(in Liquidation)

[BVIHCMAP2017/0019]
(Territory of the Virgin Islands)

Date: Tuesday, 26th September 2017

On paper:
Appellant: Mr. Matthew Neal

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application is set down for the next sitting of the Court of Appeal for the hearing of matters from the Territory of the Virgin Islands.

Case Name: Charmaine Rosan Bunbury
v
The Attorney General

[BVIHCVAP2016/0007]
(Territory of the Virgin Islands)

Date: Tuesday, 26th September 2017

On paper:

Appellant: Rosan Law

Respondent: Ms. Giselle Jackman-Lumy, The Attorney General's Chambers

Issue: Application to strike out appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The notice of appeal filed on 8th June 2016 is struck out for want of prosecution.
2. The appellant shall pay the respondent costs in the sum of \$1000.

Reason:

The Court noted the affidavit of service filed on 27th July 2017 evidencing service of the application and supporting documents on the appellant on 27th July 2017. The Court further noted that the appellant has not taken any steps to prosecute the appeal since the filing of the notice of appeal. The Court was of the view that the notice of appeal should be struck out for want of prosecution.

Case Name:

Scrub Island Development Group Limited

v

[1] Chiverton Construction Limited

[2] Junior Chiverton

[BVIHCVAP2017/0005]

(Territory of the Virgin Islands)

Date:

Tuesday, 26th September 2017

On paper:

Applicant: O'Neal Webster

Respondents: Mr. Garvin Simonette

Issue: Application for stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:
The application for a stay of execution is dismissed.

Reason: The Court noted that the affidavit of service filed on 24th August 2017 evidencing service of the notice of application and supporting documents on the respondents on 14th August 2017.
The Court reviewed the affidavit evidence and was of the opinion that the applicant has not met the requirements for the grant of a stay of execution based on the principles outlined in cases such as Hammond Suddard solicitors v Agrichem International Holdings Ltd and Marie Makhoul v Cicily Foster and Marguerite Desir v Sabina James Alcide.

Case Name: Louisa Fahie
v
[1] Samonia Vanterpool
[2] Dion Vanterpool
[BVIHCVAP2017/0007]
(Territory of the Virgin Islands)

Date: Tuesday, 26th September 2017

On paper: Applicant: Mr. David A. Penn

Issues: Application for extension of time to file leave to appeal –
Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for an extension of time to seek leave to appeal and the application for leave to appeal is granted.
2. The applicant shall file the notice of appeal within

21 days of the date of this order.

Reason:

The Court was of the opinion that the applicant has met the requirements for the grant of an extension of time and for leave to appeal.