

CHAMBER HEARING

July 2017

		<u>MATTERS DEALT WITH ON PAPER</u>
Before:		The Hon. Mr. Paul Webster, Justice of Appeal [Ag.]
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:		Tuesday, 4 th July 2017
On paper:		
	Applicant:	Ms. Navine Flemming
	Respondents:	Mr. Henry Wiggin and Ms. Rayana Dowden
Issue:		Application for extension of time to file and serve written submissions in response
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The time for filing the counter-notice of appeal and the written submissions of the applicants both lodged with the Court on 20th June 2017 is extended to the date of this order and both documents are deemed to be properly filed as of the date of this order. 2. The applicant's claim for costs is refused and there is no order as to costs.
Reasons:		The Court noted the affidavits of service filed on 8 th June 2017 and 21 st June 2017. The Court also noted that the respondents did not file their written submissions and

		the record of appeal within the time prescribed by CPR 62.10 and have not filed opposition to the application. The Court also noted that the reason for the delay by the applicants in complying with CPR 62.10 is not satisfactory but finding that the delay is not inordinate, the applicants have a prima facie good arguable case that the appeal should not be allowed, and there is no evidence of prejudice to the appellants.
Case Name:		National Commercial Bank of Anguilla Ltd. 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 [53] The Little Ship Company Ltd. [54] Jerri-Lyn Zimmerman
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		[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 National Bank of Anguilla (Private Banking & Trust) Limited (in Administration) [AXAHCVAP2017/0006] (Anguilla)
Date:		Tuesday, 4 th July 2017
On paper:		
	Applicant:	Mr. Alex Richardson
	1st Respondent:	O'neal Webster
	2nd Respondent:	Fontaine and Associates
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The application for leave to appeal is referred to the Full Court to be heard by video link from the courthouse, The Valley, Anguilla on Monday, 10th July 2017 at 2 pm. 2. The applicant is granted a limited stay of the 1st respondent's application dated 4th May 2017 in claim number AXAHCV2017/0029 until the hearing and

		determination by the Full Court of the application for leave or until further order. 3. Costs of the application reserved to the hearing before the Full Court.
Case Name:		Michael Josiah v Andrea Joseph [ANUHCVP2015/0031] (Antigua and Barbuda)
Date:		Tuesday, 4th July 2017
On paper:		
	Applicant:	Ms. Safiya Roberts
	Respondent:	Mr. Hugh C. Marshall
Issues:		Application for extension of time for filing of skeleton arguments – Application for relief from sanctions
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The respondent/applicant's application filed on 12 th June 2017 is granted. 2. The respondent/applicant is granted an extension of time to file and serve her skeleton arguments with copies of authorities on or before 21 st July 2017. 3. There is no order as to costs.
Reason:		The Court noted the affidavit of service filed on 19th June 2017. The Court also noted that the appellant did not object to the respondent/applicant's application for an extension of time.

Case Name:		[1] Kenneth Meade [2] Hilda Meade v Cleaveland Seaforth and Brian Glasgow As Joint Receivers of Antigua Overseas Bank Limited (In Receivership) [ANUHCVP2017/0009] (Antigua and Barbuda)
Date:		Tuesday, 4 th July 2017
On paper:		
	Applicants:	Marshall & Co
	Respondents:	Lake & Kentish
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 applicants are granted an extension of time to file an appeal against the order of Wilkinson J made on the 22nd day of March 2017. 2. The applicants are to file and serve the notice of appeal within 14 days of the date of this order.
Case Name:		Trevor Boston v The Queen [ANUHCVP2017/0002] (Antigua and Barbuda)
Date:		Tuesday, 4 th July 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 cause the application for leave to appeal against sentence to be served on the Director of Public Prosecutions on or before 21 st July 2017. 2. The hearing of the application for leave to appeal against sentence is adjourned to the next chamber hearing on 31 st July 2017.
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:		Tuesday, 4th July 2017
On paper:		
	Applicant:	Rose-Anne Charles (Alick Lawrence Chambers)
Issues:		Application to strike out appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant is directed to file an affidavit in support of the application to strike out the notice of appeal on or before 18 th July 2017. 2. The hearing of the application to strike out the notice of appeal is adjourned to the next chamber hearing

		on 31st July 2017.
Case Name:		Alva McQueen v The Queen [GDAHCRAP2017/0009] (Grenada)
Date:		Tuesday, 4th July 2017
On paper:		
	Applicant:	In person
Issues:		Application for extension of time to appeal – Application for leave to appeal sentence
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The application to extend time to appeal is granted and the applicant is granted leave to appeal his sentence. 2. The applicant shall cause his notice of appeal to be filed and served on the Director of Public Prosecutions on or before 26th July 2017.
Reason:		The Court noted that a copy of the notice of the hearing of the applicant's application for extension of time to appeal was served on the Office of the Director of Public Prosecutions on 13th June 2017.

Case Name:		Sheldon Bain v The Queen [GDAHCRAP2017/0011] (Grenada)
Date:		Tuesday, 4th 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 shall cause the notice of application for leave to appeal against sentence to be served on the Director of Public Prosecutions on or before 21st July 2017. 2. The hearing of the application for leave to appeal is adjourned to the next Chamber Hearing on 31st July 2017.
Case Name:		Kade Richards v The Queen [GDAHCRAP2017/0010] (Grenada)
Date:		Tuesday, 4th July 2017
On paper:		
	Applicant:	In person
Issue:		Application for leave to appeal sentence

Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant is granted leave to appeal his sentence. 2. The applicant shall cause his notice of appeal to be filed and served on the Director of Public Prosecutions on or before 26 th July 2017.
Reason:		The Court noted that a copy of the notice of hearing of the applicant's application for leave to appeal was served on the Office of the Director of Public Prosecutions on 13 th June 2017.
Case Name:		Karen Roden Layne v Grenada Cooperative Bank Ltd. [GDAHCRAP2017/0010] (Grenada)
Date:		Tuesday, 4th July 2017
On paper:		
	Applicant:	Mr. Jerry Edwin
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant is granted leave to appeal the order of Wynante-Roberts J, dated 10 th May 2017. 2. The applicant shall file and serve the notice of appeal on the respondent by no later than 26 th July 2017. 3. Costs in the appeal.
Reason:		The Court noted that the order of Baptiste JA dated 6 th June 2017 has been complied with. The Court was satisfied that the applicant has met the

		threshold requirements for being granted leave to appeal.
Case Name:		Romanus James v Christopher Stanislaus [SLUHCVAP2016/0017] (Saint Lucia)
Date:		Tuesday, 4 th July 2017
On paper:		
	Applicant:	Ms. Lydia B. Faisal
	Respondent:	Mr. Alberton Richelieu
Issue:		Application for extension of time to file skeleton arguments and record of appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The appellant is granted an extension of time to the date of this order to file and serve the record of appeal and his skeleton arguments with copies of authorities and the record of appeal and skeleton arguments lodged with the court on 12th June 2017 are deemed to be properly filed as of the date of this order.
Reason:		The Court noted the delay in making the application for extension of time is not satisfactory, but that there is a reasonable explanation for the delay and there is no evidence that the respondent will be prejudiced by the grant of an extension of time.
Case Name:		Theresa Plummer

		v [1] Dennis Mangal [2] Irmina Lena Edwin [3] Tarcisus Robinson Stanislaus [SLUHCVAP2017/0015] (Saint Lucia)
Date:		Tuesday, 4th July 2017
On paper:		
	Applicant:	Ms. Wauneen Louis-Harris
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant is granted leave to appeal against the order of Cenac-Phulgence, J dated 17 th May 2017. 2. The notice of appeal to be filed and served by no later than 26 th July 2017.
Reason:		The Court was satisfied that the applicant has met the threshold for being granted leave to appeal.
Case Name:		Dillan Donaie v The Queen [SLUHCRAP2017/0008] (Saint Lucia)
Date:		Tuesday, 4th 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 shall cause the application for leave to appeal against sentence to be served on the Director of Public Prosecutions on or before 21 st July 2017. 2. The hearing of the application for extension of time to appeal and for leave to appeal against sentence is adjourned to the next Chamber Hearing on 31 st July 2017.
Reason:		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.
Case Name:		Pizza! Pizza! Limited v The Bank of Nova Scotia [SLUHCVP2017/0001] (Saint Lucia)
Date:		Tuesday, 4th July 2017
On paper:		
	Applicant:	Mr. Colin Foster (Fraser & Co.)
	Respondent:	Mr. Geoffrey DuBoulay (Floissac, Flemming & Associates)
Issue:		Application for dismissal of appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The dismissal application is granted and the appeal filed by the appellant on 12 th January 2017 is dismissed as of 27 th May 2017. 2. The \$3,333.33 paid into court by the appellant on 20 th

		May 2017 in purported compliance with the order of Michel JA shall remain in Court pending further order of the Court. 3. No order on the extension application and no order as to the costs of the dismissal application.
Reason:		The Court noted that the order of Michel JA granting the stay stipulated that the appellant should give security for the respondent's costs of \$3,333.33 by payment into court by the sole director and shareholder of the appellant, Ms. Indira Ashworth, on or before 26th May 2017 failing which the appeal shall stand dismissed. The appellant purported to comply with the terms of the order made by Michel, JA on 20th May 2017 by paying into Court the \$3,333.33 security for costs using the funds of the appellant and not the funds of Ms. Indira Ashworth. The Court further noted that on 30th June 2017 Ms. Ashworth filed an affidavit in response explaining the appellant's breach of the Court's order and advising the Court that on 29th June 2017 she had deposited \$10,000.00 of her own funds in the appellant's bank account thereby increasing the balance in the account to \$10,284.43. The appellant has not applied for relief from sanctions for its breach of the Court's order.
Case Name:		Sinead Investments Limited v The Bank of Nova Scotia [SLUHCVAP2017/0002] (Saint Lucia)
Date:		Tuesday, 4th July 2017
On paper:		
	Applicant:	Mr. Colin Foster (Fraser & Co.)
	Respondent:	Mr. Michael DuBoulay (Floissac, Flemming & Associates)

Issue:		Application for dismissal of appeal
Result / Order & Reason:		IT IS HEREBY ORDERED THAT: 1. The dismissal application is granted and the appeal filed by the appellant on 12th January 2017 is dismissed as of 27th May 2017. 2. The \$3,333.33 paid into court by the appellant on 20th May 2017 in purported compliance with the order of Michel, JA shall remain in Court pending further order of the Court. 3. No order on the extension application and no order as to the costs of the dismissal application.
Reasons:		The Court noted that the order of Michel, JA granting the stay stipulated that the appellant should give security for the respondent's costs of \$3,333.33 by payment into court by the sole director and shareholder of the appellant, Ms. Indira Ashworth, on or before 26th May 2017 failing which the appeal shall stand dismissed. The appellant purported to comply with the terms of the order made by Michel JA on 20th May 2017 by paying into court the \$3,333.33 security for costs using the funds of Pizza! Pizza! Limited and not the funds of Ms. Indira Ashworth. The Court also further noted that on 30th June 2017 Ms. Ashworth filed an affidavit in response explaining the appellant's breach of the court's order and advising the Court that on 29th June 2017 she had deposited \$10,000.00 of her own funds in Pizza! Pizza! Limited's bank account thereby increasing the balance in the account to \$10,284.43. The appellant has not applied for relief from sanctions for its breach of the Court's order.
Case Name:		Charthouse Restaurant Limited v The Bank of Nova Scotia [SLUHCVP2017/0003]

		(Saint Lucia)
Date:		Tuesday, 4th July 2017
On paper:		
	Appellant/ Respondent:	Mr. Colin Foster (Fraser & Co.)
	Respondent/ Applicant:	Mr. Geoffrey DuBoulay (Floissac Flemming & Associates)
Issue:		Application for dismissal of appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The Dismissal Application is granted and the appeal filed by the appellant on 12th January 2017 is dismissed as of 27th May 2017. 2. The \$3,333.33 paid into Court by the appellant on 20th May 2017 in purported compliance with the order of Michel, JA shall remain in Court pending further order of the Court. 3. No order on the Extension Application and no order as to the costs of the Dismissal Application.
Reason:		The Court noted that the order of Michel, JA granting the stay stipulated that the appellant should give security for the respondent's costs of \$3,333.33 by payment into court by the sole director and shareholder of the appellant, Ms. Indira Ashworth, on or before 26th May 2017 failing which the appeal shall stand dismissed. The appellant purported to comply with the terms of the order made by Michel, JA on 20th May 2017 by paying into court the \$3,333.33 security for costs using the funds of Pizza! Pizza! Limited and not the funds of Ms. Indira Ashworth. The Court further noted that on 30th June 2017 Ms. Ashworth filed an Affidavit in Response explaining the appellant's breach of the court's order and advising the court that on 29th June 2017 she had deposited \$10,000.00 of her own funds in Pizza! Pizza! Limited's bank account thereby increasing the balance in the account to \$10,284.43. The appellant has not applied for relief from sanctions for its breach of the court's order.

Case Name:		Fire Service Association v [1] Public Service Commission [2] Chief Fire Officer [3] Attorney General [SLUHCVAP2010/0013] (Saint Lucia)
Date:		Tuesday, 4th July 2017
On paper:		
	Applicant:	Ms. Cynthia Hinkson-Ouhla
Issues:		Application for leave to appeal – Application for extension of time to file notice of appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The Registrar of the High Court is directed to reduce into writing the order made on 17th May 2017 and the reasons for making the order and to file and serve the same on the parties to this appeal on or before 11th August 2017. 2. The application for leave to appeal and extension of time to file the notice of appeal is adjourned to the chamber hearing of the Court set for 26th September 2017.
Reason:		The Court noted the affidavit of service filed 8th June 2017. The Court also noted that the oral order of the learned registrar was not reduced into writing and there are no written reasons for the Registrar's decision.
Case Name:		Ennis Hector

		v Commissioner of Police [SVGMCRAP2017/0026] (Saint Vincent and the Grenadines)
Date:		Tuesday, 4th July 2017
On paper:		
	Applicant:	In person
Issues:		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 to appeal to be served on the Director of Public Prosecutions on or before 21st July 2017. 2. The application is adjourned to the next Chamber Hearing on 31st July 2017.
Case Name:		Hagar Miller v Daniel Nichols [SVGHCVAP2016/0028] (Saint Vincent and the Grenadines)
Date:		Tuesday, 4th July 2017
On paper:		
	Applicant:	Morgan Law
	Respondent:	Ms. Euchrista Sr. Hillaire Bruce-Lyle
Issue:		Application that notice of appeal served on respondent be deemed properly served or in the alternative extension of time to serve notice of appeal

Result / Order:		IT IS HEREBY ORDERED THAT: 1. The notice of appeal that was delivered to the respondent's home in Green Hill, St. Vincent on 29 th January 2017 is deemed to be properly served. 2. No order as to costs.
Reason:		The Court noted the affidavit of service filed on 8 th June 2017. The Court was of the view that the notice of appeal came to the attention of the respondent and that there is no substantial risk that the respondent will suffer prejudice by the method that the notice of appeal came to his attention.
Case Name:		[1] Clayton Ollivierre [2] Sylvanus Peters v The Incorporated Trustees of the Lower Bay School [SVGHCVAP2014/0008] (Saint Vincent and the Grenadines)
Date:		Tuesday, 4th July 2017
On paper:		
	Appellant:	Mr. Richard Williams
	Respondent:	Ms. Louise Mitchell Joseph
Issues:		Application to strike out appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The notice of appeal filed on 18 th July 2014 is struck out for want of prosecution. 2. Costs of the application and the appeal to the respondent/applicant of \$950.00.

Reason:		The Court noted that the transcript of the proceedings in the lower court has been available since 21 st April 2016 and that the appellants have not filed the record of appeal nor taken any other step to prosecute the appeal since the filing of the notice of appeal on 18 th July 2014. The Court also noted the affidavit of service of the notice of application to strike out the appeal filed 2 nd June 2017.
Case Name:		Karen Roden Layne v Grenada Cooperative Bank [GDAHCVAP2017/0012] (Grenada)
Date:		Tuesday, 4th July 2017
On paper:		
	Applicant:	Mr. Jerry Edwin
Issue:		Application for leave to appeal
Result / Order & Reason:		IT IS HEREBY ORDERED THAT: 1. The applicant is to file the order in respect of which leave to appeal is sought on or before the 21st day of June 2017. 2. The application is adjourned to the next Chamber Hearing scheduled for 4th July 2017.
Case Name:		Kim Russell Romney v John Chinnery [BVIHCVAP2017/0001]

		(Territory of the Virgin Islands)
Date:		Tuesday, 4th July 2017
On paper:		
	Appellant/ Applicant:	Ms. Ruth - Ann Richards
Issues:		Application for extension of time to deem documents properly served – Application to amend notice of appeal and for other orders
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The time for serving the notice of appeal is extended and the notice of appeal that was delivered to the respondent in Road Town, Tortola on 28th March 2017 is deemed to be properly served. 2. The applicant is directed to serve the affidavit filed on 3rd July 2017 on or before the 21st July 2017 and the remainder of the application for orders to amend the notice of appeal and other orders is adjourned to the next Chamber hearing on 31st July 2017. 3. No order as to costs.
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 that there is no evidence that the affidavit of the applicant filed on 3rd July 2017 dealing with that part of the application concerning the proposed amendments to the notice of appeal has been served on the respondent and the Court is therefore not considering the said affidavit. The Court was of the view that the notice of appeal came to the attention of the respondent and that there is no evidence that substantial risk that the respondent will suffer prejudice by the method that the notice of appeal came to his attention.

Case Name:		Harney Westwood & Riegels v [1]Greater Achieve Limited [2]Provident Pacific Holdings Limited [3]Time Horizon Limited [4]Sharp Colour Limited [5]Ming Yuan Investments Group Limited [6]Ming Yuan Holdings Limited [7]Chinabase Holdings Limited [BVIHCMA2017/0015] (Territory of the Virgin Islands)
Date:		Tuesday, 4 th July 2017
On paper:		
	Applicant:	Harneys
Issue:		Application to withdraw part of notice of application to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The applicant is granted leave to withdraw the application with no order as to costs.