

CHAMBER HEARING

April 2017

		<u>MATTERS DEALT WITH ON PAPER</u>
Before:		The Hon. Mr. Mario Michel, Justice of Appeal
Case Name:		Jonathan Simon Barnes Bay Development Ltd. (in liquidation) (acting by its joint liquidators Hadley Chilton and John Greenwood) v SOF - VIII Hotel II Anguilla Holdings, LLC [AXAHCVAP2016/0006] (Anguilla)
Date:		Tuesday, 11th April 2017
On paper:		
	Appellant:	Mr. J. Alex Richardson
	Respondent:	Keithley Lake & Associates
Issues:		Application to strike out notice of appeal – Application for extension of time to file notice of appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The applications for extension of time to file an appeal and to strike out the appeal shall be set down for hearing at the next sitting of the Court of Appeal in Anguilla during the week commencing 24th April 2017.
Reason:		The Court had regard to the fact that the disposition of the applications for extension of time and to strike out the appeal will likely dispose of the appeal as a whole.

Case Name:		Deloris A. Hodge-Griffith (aka Deloris Antoinette Hodge) v Charles Griffith [AXAHCVAP2015/0008] (Anguilla)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Ms. Samantha Wright
	Respondent:	Ms. Jacinth Jeffers
Issue:		Application that legal practitioner be removed from record
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant shall serve notice on the appellant of the application, together with the affidavit in support on or before 12 th May 2017. 2. The applicant shall file an affidavit or affidavits of service on or before 19 th May 2017 proving service of the application and the affidavit on the appellant and of the application only on the respondent. 3. The application is adjourned to Chambers on 4 th May 2017.
Reason:		The Court noted CPR 63.6 and in particular, CPR 63.6 (2).
Case Name:		Dion Friedland v

		Charels Hickox
		[AXAHCVAP2017/0003] (Anguilla)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Mr. J. Alex Richardson
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Leave is granted to the applicant to appeal against the judgment of master Eddy Ventose [Ag]. 2. The applicant shall file and serve a notice of appeal on or before 4th May 2017.
Reason:		The Court was satisfied that the applicant has met the requirements for the grant of leave to appeal.
Case Name:		[1] Martin Dinning [2] Hudson Carr [3] Shawn Williams [4] 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 Ledeee [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 Corporation [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 Cvagnaro [46] Gary Charkham [47] Sunshine properties Limited [48] Laura F. E. Van Hoeve
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		[49] Vanita Mirchandani [50] Sharron Yuan-Sam [51] Gillian Looser [52] Angela Tyler [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, 11 th April 2017
On paper:		
	Applicants:	Ms. Navine A. V. Flemming
	Respondents:	Mr. Henry Wiggin and Ms. Rayana Dowden
Issues:		Application for leave to appeal – Application for stay of execution
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Leave is granted to the applicants, Martin Dinning et al, to appeal against the judgment of master Raulston Glasgow dated 22 nd February 2017. 2. The applicants are granted a stay of execution of the judgment pending the hearing and determination of the appeal.
Reason:		The Court was satisfied that the applicant has met the requirements for the grant of leave to appeal.

Case Name:		Erica Liana Percelle Edwards v Attorney General [GDAHAVAP2014/0012] (Grenada)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Astaphan Chambers
	Respondent:	Attorney General Chambers
Issue:		Application for variation of order
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The status hearing order made by Webster JA [Ag.] on 12th December 2016 is varied as follows: (a) The written submissions to be filed and served by the appellant shall be filed by 17th March 2017. (b) The written submissions to be filed and served by the respondent shall be filed by 31st March 2017. 2. The submissions filed by the appellant on 14th March 2017 and by the respondent on 20th March 2017 are deemed to have been properly filed and served. 3. The hearing of the appeal is fixed for the next sitting of the Court of Appeal in Anguilla during the week commencing 24th April 2017.
Case Name:		The Board of Trustees Sunnyside Tutorial School v

		Irene Bowen
		[ANULTAP2013/0002] (Antigua and Barbuda)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Christopher & Associates
	Respondent:	Ms. C. Kamilah Roberts
Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Leave is granted to the respondent to file and serve submissions in support of her application to strike out the notice of appeal within 14 days of the date of this order. 2. The application shall be fixed for hearing at the next sitting of the Court of Appeal in Antigua and Barbuda during the week commencing 29th May 2017.
Reason:		The Court noted that the respondent, Irene Bowen, has not filed any submissions in support of her application to strike out the notice of appeal.
Case Name:		Antigua Flight Training Center v Eastern Caribbean Civil Aviation Authority [ANUHCVP2014/0021] (Antigua and Barbuda)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Ms. Grace Norman

	Respondent:	Dr. David Dorsett
Issue:		Application for extension of time to appeal – Application to strike out notice of appeal
Result / Order & Reason:		IT IS HEREBY ORDERED THAT: 1. The application for an extension of time to serve a notice of appeal filed on 11 th June 2014 is denied on the basis of the inordinate delay in making application for the extension of time. 2. The notice of appeal, having been filed on 11 th June 2014 without the leave of the Court, is struck out as being a nullity.
Case Name:		Sundry Workers (Represented by the Antigua Trades & Labour Union) v State Insurance Corporation [ANULTAP2013/0002] (Antigua and Barbuda)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Cumberbatch & Associates
	Respondent:	Hill & Hill
Issue:		Application for extension of time to file and serve the record of appeal and to deem the record of appeal filed
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The record of appeal filed on 8 th March 2017 and served on 17 th March 2017 is hereby deemed to have been properly filed and served.

		2. Both parties are at liberty to make any applications to the Court in this matter before the date of the next Chamber sitting of the Court on Thursday, 4 th May 2017.
Reason:		The Court noted the following: i. The order made by the Honourable Chief Justice on 28th February 2017 that unless the appellant files and serves the record of appeal by 8th March 2017 the appeal shall be dismissed; ii. That the record of appeal was filed by the appellant on 8th March 2017, but the record was not served on the respondent until 17th March 2017; iii. That that the respondent did file and serve its skeleton arguments by 10th April 2017 as directed by the order of the Honourable Chief Justice but that the appellant did not file any supplemental arguments as directed; iv. that the unless order did not deem the appeal dismissed if the appellant did not comply with one of the stipulations of the order, so that the appeal is extant; and v. that the Honourable Chief Justice directed that the appeal shall be fixed for hearing at the next sitting of the Court of Appeal in Antigua and Barbuda during the week commencing 29th May 2017.
Case Name:		Hassan Hadeed v Nahla Hadeed [GDAHCVAP2014/0012] (Grenada)
Date:		Tuesday, 11 th April 2017
On paper:		
	Applicant:	Dr. Francis Alexis
Issue:		Application for a stay of execution

Result / Order:		IT IS HEREBY ORDERED THAT: The application for stay of execution is dismissed.
Reason:		The Court noted that the notice of motion seeking leave to appeal to Her Majesty in Council was dismissed by the Full Court on 3rd April 2017.
Case Name:		The M/V “Patience” (and all other persons interested in the said vessel) v Michael Stephen Donovan [GDAHCVAP2011/0023] (Grenada)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Chancery Chambers
	Respondent:	Ms. Shireen J. Wilkinson
Issue:		Application to strike out appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The appeal is dismissed for want of prosecution.
Reasons:		The Court noted the order made by Michel JA on 5th December 2016 directing that the application to strike out the appeal shall be effected by publication of the notice of application in three consecutive issues of the Grenadian Voice Newspaper and the Trinidadian Guardian Newspaper and that the appeal shall be dismissed if the appellant fails to respond to the notice

		within two weeks of its last publication in the newspapers. The Court was satisfied with the publication of the notices in The New Today Newspaper instead of the Grenadian Voice Newspaper and deeming that the requirement for publication of the notice in the Grenadian Voice Newspaper has been met by its publication in The New Today Newspaper. The Court also noted that it appeared that over two weeks have elapsed since the last publication of the notice and there has been no response to the notice by the appellant, whether by giving notice of an intention to proceed with the appeal or otherwise.
Case Name:		Pizza! Pizza! Limited v The Bank of Nova Scotia [SLUHCVP2017/0001] (Saint Lucia)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Mr. Colin J. K. Foster
	Respondent:	Mr. Michael DuBoulay
Issues:		Application for stay of execution – Application for security for costs
Result/Order:		IT IS HEREBY ORDERED THAT: 1. The appellant is granted a stay of execution of the order of St. Rose-Albertini J dated 24th November 2016 until 26th June 2017 (when the Court of Appeal is scheduled to sit in Saint Lucia) or until further order of the Court. 2. The appellant shall give security for the respondent's costs on the appeal in the sum of \$3,333.33.

		3. The sum of \$3,333.33 shall be paid into court by Ms. Indira Ashworth, as the sole director and shareholder of the appellant and the promoter of the appeal, on or before 26 th May 2017, failing payment of which the appeal shall stand dismissed.
Case Name:		Sinead Investments Limited v The Bank of Nova Scotia [SLUHCVAP2017/0002] (Saint Lucia)
Date:		Tuesday, 11 th April 2017
On paper:		
	Applicant:	Mr. Colin J. K. Foster
	Respondent:	Mr. Michael DuBoulay
Issues:		Application for stay of execution – Application for security for costs – Application extension of time to file and serve skeleton arguments
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The appellant is granted a stay of execution of the order of St. Rose-Albertini J dated 24th November 2016 until 26th June 2017 (when the Court of Appeal is scheduled to sit in Saint Lucia) or until further order of the Court. 2. The appellant shall give security for the respondent's costs on the appeal in the sum of \$3,333.33. 3. The sum of \$3,333.33 shall be paid into court by Ms. Indira Ashworth, as the sole director and shareholder of the appellant and the promoter of the appeal, on or before 26th May 2017, failing payment of which the appeal shall stand dismissed.

Case Name:		Charthouse Restaurant Limited v The Bank of Nova Scotia [SLUHCVAP2017/0003] (Saint Lucia)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Mr. Collin Foster
	Respondent	Mr. Michael DuBoulay
Issues:		Application for stay of execution – Application for security for costs – Application extension of time to file and serve skeleton arguments
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The appellant is granted a stay of execution of the order of St. Rose-Albertini J dated 24th November 2016 until 26th June 2017 (when the Court of Appeal is scheduled to sit in Saint Lucia) or until further order of the Court. 2. The appellant shall give security for the respondent's costs on the appeal in the sum of \$3,333.33. 3. The sum of \$3,333.33 shall be paid into court by Ms. Indira Ashworth, as the sole director and shareholder of the appellant and the promoter of the appeal, on or before 26th May 2017, failing payment of which the appeal shall stand dismissed.
Case Name:		Ruth Narcisse (Qua Executrix of the Estate of Ange Vikaysi Harmony Fadlin) v

		Rasheidi Adolph [SKUHCVAP2017/0004] (Saint Lucia)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Cynthia Hinkson-Ouhla (Pierre and Mondesir)
	Respondent:	Rasheidi Adolph
Issues:		Application for leave to appeal – Application for stay of execution – Application to set aside master’s order
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Leave is given to the applicant to appeal against the order of Master Agnes Actie dated 24th January 2017. 2. The notice of appeal shall be filed by the applicant within 21 days of the date of this order.
Reason:		The Court was satisfied that the applicant has met the requirements for the grant of leave.
Case Name:		[1] Cecile Beryl Ryan-Cox [2] Theobald Cox v Rhona aka Lorna Cox [SLUHCVAP2013/0003] (Saint Lucia)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Mr. Dexter Theodore, QC
	Respondent:	Mr. Leslie Prospere, Gordon & Gordon

Issue:		Application to replace deceased parties
Result / Order:		IT IS HEREBY ORDERED THAT: The application for an order appointing Christopher Cox to replace the respondent for the purpose of the appeal to Her Majesty in Council is hereby granted.
Case Name:		Bank of Saint Lucia Limited v [1] Jones Biscette [2] Marie Biscette [SLUHCVAP2017/0007] (Saint Lucia)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Mr. Leslie Prospere, Gordon & Gordon
	Respondent:	Mr. Horace Fraser
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Leave is granted to the applicant to appeal against the judgment of Master Agnes Actie dated 2nd March 2017. 2. The notice of appeal shall be filed by the applicant within 21 days of the date of this order.
Reason:		The Court was satisfied that the applicant has met the requirements for the grant of leave to appeal.

Case Name:		Glenroy Shawn Victor v The Queen [SLUHCRA2014/0001] (Saint Lucia)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Mr. Alfred Alcide
	Respondent:	Mr. Daarsrean Greene, The Director of Public Prosecutions
Issue:		Application for transcript to be made available
Result / Order:		IT IS HEREBY ORDERED THAT: The Registrar of the High Court shall provide to the appellant free of charge a copy of the transcript of proceedings in his criminal trial conducted on the following dates – 21st September 2009, 12th October 2010, 15th April 2013, 16th April 2013, 17th April 2013, 22nd April 2013, 23rd April 2013, 24th April 2013, 30th April 2013, 12th June 2013, 30th July 2013, 11th September 2013, 17th October 2013, 8th January 2014, 13th January 2014 and 28th January 2014.
Reason:		The Court noted the notice of appeal filed on 10th February 2014 and the fact that the notice of availability of transcript was issued on 24th March 2015.
Case Name:		[1] Norman Francis [2] Thaddeus Antoine v [1] Jones Biscette

		[2] Marie Biscette [3] Bank of Saint Lucia Limited [SLUHCVAP2017/0008] (Saint Lucia)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicants:	Mr. Peter I. Foster & Associates
	Respondent:	Mr. Leslie Prospere, Gordon & Gordon
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Leave is granted to the applicants to appeal against the judgment and order of Master Agnes Actie dated 2nd March 2017. 2. Notice of appeal shall be filed by the applicant within 21 days of the date of this order.
Reason:		The Court was satisfied that the applicants have met the requirements for the grant of leave to appeal.
Case Name:		Gailene Simmons v Uranus Jordan [SVGMCVAP2014/0014] (Saint Vincent and the Grenadines)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Olin J.B. Dennie Law Chambers
	Respondent:	In person

Issue:		Application for permission to file notice of appeal out of time
Result / Order:		IT IS HEREBY ORDERED THAT: The application for filing a notice of appeal out of time is dismissed.
Reason:		The Court noted the order of Baptiste JA dated 21st October 2014, the Order of Blenman JA dated 18th November 2014 and the Order of Pereira CJ dated 10th February 2017; that none of aforesaid orders have been complied with by the applicant and that over two and a half years have elapsed since the filing of the application for leave to appeal and no further steps have been taken by the applicant to prosecute her appeal.
Case Name:		The Public Service Board of Appeal v Otto Sam [SVGHCVAP2016/0032] (Saint Vincent and the Grenadines)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Mr. Richard Williams
Issue:		Application for stay of execution
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Unless the respondent shall have signaled his consent to a stay of execution of the order of Henry J pending the hearing and determination of the appeal against the order, the appellant shall serve the respondent with a copy of the application for the stay and the affidavit in support together with a copy of

		this order on or before 3rd May 2017. 2. The appellant shall file an affidavit of service proving service on the respondent of the application, affidavit and order on or before 5th May 2017. 3. The application shall be fixed for hearing during the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 8th May 2017.
Reason:		The Court noted that there is no affidavit showing service of the application on the respondent; paragraph 8 of the affidavit in support of the application in which it is averred that counsel for the respondent has no objections to the application for stay and that there is no letter or other communication from counsel for the respondent signalling his non-objection to the application.
Case Name:		Attorney General v [1] Collingford John [2] Gleanor John [3] D' andre Kingsley Luc T'von John (Sole beneficiary and intended administrator of the estate of Kingsley John(Deceased) by his mother and next friend, Boffy John (SVGHCVAP2017/0006) [Saint Vincent and the Grenadines]
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Attorney General's Chambers
Issue:		Application for stay of execution
Result / Order:		IT IS HEREBY ORDERED THAT:

		1. The application for a stay of the order of Henry J dated 21st December 2016 pending the hearing and determination of the appeal against the order is denied. 2. Liberty to the appellant to reapply if the requirements for the grant of a stay are satisfied.
Reason:		The Court noted that it appears as though the appellant has not met the threshold requirements for the grant of a stay.
Case Name:		Allan Young v The Commissioner of Police [SVGMCRAP2017/0002] (Saint Vincent and the Grenadines)
Date:		Tuesday, 11 th April 2017
On paper:		
	Applicant:	In person
Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The application for extension of time within which to appeal is dismissed.
Reason:		The Court noted that the decision sought to be appealed was handed down on 21 st November 2016 and that the applicant had 21 days within which to appeal. The Court was of the view that it appears that the extent of the delay in filing notice of appeal was significant, no good explanation was given for the failure to file an appeal on time and there is no indication that there is any chance of an appeal succeeding if an extension of time is granted to appeal.

Case Name:		Sheldon John v The Commissioner of Police [SVGMCRAP2017/0003] (Saint Vincent and the Grenadines)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	In person
Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The application for extension of time within which to appeal is dismissed.
Reason:		The Court noted that the decision which the applicant seeks to appeal was handed down 10th May 2016 and that the applicant had 21 days within which to appeal. The Court was of the view that it appears that the extent of the delay in filing notice of appeal was significant, no good explanation was given for the failure to file an appeal on time and there is no indication that there is any chance of an appeal succeeding if an extension of time is granted to appeal.
Case Name:		Julius John v The Queen [SVGHCRA2017/0005]

		(Saint Vincent and the Grenadines)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	In person
Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The application for extension of time within which to appeal is dismissed.
Reason:		The Court noted that the decision sought to be appealed was handed down over 10 years ago on 13th March 2007. The Court was of the view that it appears that the extent of the delay in filing notice of appeal was significant, no good explanation was given for the failure to file an appeal on time and there is no indication that there is any chance of an appeal succeeding if an extension of time is granted to appeal.
Case Name:		Olando Lampkin v The Queen [SVGHCRA2017/0004] (Saint Vincent and the Grenadines)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	In person
Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT:

		The application for extension of time within which to appeal is dismissed.
Reason:		The Court noted that the decision sought to be appealed was handed down on 26th May 2006, over 10 years prior to the application for extension of time to appeal. The Court was of the view that it appears that the extent of the delay in making application for extension of time within which to appeal is inordinate and there is no good explanation given for the delay.
Case Name:		Shawn George v The Queen [SVGHCRAP2017/0003] (Saint Vincent and the Grenadines)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	In person
Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The application for extension of time within which to appeal is dismissed.
Reason:		The Court noted the order of Baptiste JA dated 21st February 2017. The Court also noted that the decision sought to be appealed was handed down on 26th May 2006, over 10 years prior to the application for extension of time to appeal. The Court was of the view that it appears that the extent of the delay in making application for extension of time within which to appeal is inordinate and there is no good explanation given for the delay.

Case Name:		Desmond Providence v Theodora Joseph]SVGHCVAP2017/0001] (Saint Vincent and the Grenadines)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Mr. Israel R. Bruce
	Respondent:	Mr. Duane A. Daniel
Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The application for extension of time to file an appeal is dismissed.
Reason:		The Court noted the orders made by Webster, JA [Ag.] and Baptiste JA on 25th January 2017 and 21st February 2017, respectively. The Court also noted that the judgment sought to be appealed was rendered on 6th September 2016, exactly 4 months prior to the application made to this Court for an extension of time to appeal. The Court noted that the application was made to this Court for an extension of time 11 weeks after the time for appealing had elapsed and no good explanation has been given for the delay and that no information has been provided by the applicant as to the intended grounds of appeal or as to the chances of the appeal succeeding if an extension of time to appeal is granted.

Case Name:		Dennis Hadaway v Randolph Springer [SVGHCVAP2016/0024] (Saint Vincent and the Grenadines)
Date:		Tuesday, 11 th April 2017
On paper:		
	Applicant:	Olin Dennie Law Chambers
Issue:		Application for extension of time to serve appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant shall serve the respondent with (1) a copy of the notice of application filed on 7th March 2017; (2) the affidavit in support filed on 7th March 2017 and (3) the skeleton arguments filed on 21st March 2017, and shall file an affidavit of service of the aforesaid documents on the respondent on or before 26th April 2017. 2. The matter is adjourned for consideration at the next Chamber hearing scheduled for 4th May 2017.
Reason:		The Court noted that there is no evidence of service of the application and supporting documents on the respondent.
Case Name:		Philmore Dumbar v The Queen [SVGHCRAP2017/0006] (Saint Vincent and the Grenadines)
Date:		Tuesday, 11 th April 2017

On paper:		
	Applicant:	In person
Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The application for extension of time to file an appeal is dismissed.
Reason:		The Court noted that the decision which the applicant seeks to appeal was rendered on 26th February 2004 and that an appeal of the decision had to have been filed by 9th April 2004. The Court also noted that the delay of almost 13 years in applying for an extension of time to appeal is inordinate, that no good explanation has been given for the delay and there is no indication that there is any chance of the applicant successfully appealing the decision if granted leave to do so.
Case Name:		Ebony Alexander v The Commissioner of Police [SVGMCRAP2017/0004] (Saint Vincent and the Grenadines)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	In person
Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The application for extension of time within which to appeal is dismissed.

Reason:		The Court noted that the decision sought to be appealed was handed down on 19 th December 2016. The Court was of the view that it appears that the extent of the delay in making application for extension of time within which to appeal was insignificant, but no reason was given for the delay and that the applicant pleaded guilty to the offences for which he was convicted, which conviction he now seeks to appeal and there does not appear to be any chance to appeal succeeding if the extension is granted.
Case Name:		Edmund Smith (deceased) (by representative Jasmine Josette Ellis-Davy and/or Bernard Brown pursuant to rule 21.7 of the CPR) v Carol Jardine [SVGHCVAP2017/0003] Consolidated with [1] Josette Ellis Davy [2] Marlon Da Silva v Carol Jardine [SVGHCVAP2012/0177] (Saint Vincent and the Grenadines)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Robertson & Robertson Chambers
Issue:		Application for stay of execution of judgment

Result / Order:		IT IS HEREBY ORDERED THAT: 1. The application for a stay of execution of the judgment of Henry J dated 7 th December 2016 shall be fixed for hearing by the Full Court in Saint Vincent and the Grenadines during the week commencing 8 th May 2017. 2. The interim stay of the judgment is extended until 8 th May 2017.
Reason:		The Court noted the order of Baptiste JA dated 6 th March 2017.
Case Name:		Allister Smith v Commissioner of Police [SVGMCRAP2016/0036] (Saint Vincent and the Grenadines)
Date:		Tuesday, 11 th April 2017
On paper:		
	Applicant:	In person
Issue:		Case-management
Result / Order:		IT IS HEREBY ORDERED THAT: The application for bail pending appeal is denied.
Reason:		The Court noted the order of Blenman JA dated 6 th October 2016. The Court also noted the affidavit of service filed on 5 th October 2016 evidencing service of the notice of application and affidavit in support on the office of the Director of Public Prosecutions; the respondent's response to the bail application, filed on

		10 th April 2017 together with a supporting affidavit; that the appellant is currently serving a term of imprisonment of 8 years and 6 month, which commenced on 18 th June 2015 and is scheduled to end on 18 th December 2023 (barring remission) and that no exceptional circumstances have been advanced by the applicant to justify the grant of bail pending appeal against sentence.
Case Name:		C & R Enterprises Limited v Bank of St. Vincent and The Grenadines Ltd. [SVGHCVAP2016/0034] (Saint Vincent and the Grenadines)
Date:		Tuesday, 11 th April 2017
On paper:		
	Applicant:	Ms. Maia Eustace
Issues:		Application for stay of execution of – Application for stay of all proceedings
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Leave is given to the applicant to file and serve skeleton arguments in support of its application on or before 28th April 2017. 2. Leave is given to the respondent to file and serve skeleton arguments in response to the application on or before 12th May 2017. 3. The matter is adjourned for further consideration by the court at its chamber hearing scheduled for 6th June 2017. 4. An interim stay of the order of Henry J dated 30th November 2016 is hereby granted until 6th June 2017.
Reason:		The Court noted the order of Baptiste JA dated 20 th February 2017. The Court also noted 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:		Reynold Young v The Queen [SVGHCRAP2016/0009] (Saint Vincent and the Grenadines)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	In person
Issue:		Application for bail pending appeal
Result / Order:		IT IS HEREBY ORDERED THAT: The hearing of the application for bail pending appeal is adjourned to the next Chamber Hearing scheduled on 4 th May 2017.
Reason:		The Court noted the memorandum from the office of the Director of Public Prosecutions dated 10 th April 2017 requesting an adjournment of the hearing of this matter.
Case Name:		Harlequin Property (SVG) Limited v Gabriella Klein as Representative Petitioner [SVGHCRAP2017/0008]

		(Saint Vincent and the Grenadines)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Baptiste & Co.
Issue:		Application without notice motion for leave
Result / Order:		IT IS HEREBY ORDERED THAT: The matter is referred to the Full Court for hearing at the sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 8th May 2017.
Reason:		The Court was inclined to refuse leave to appeal and noted rule 62.2(5) of the Civil Procedure Rules.
Case Name:		Anne Hendricks Bass v Director Physical Planning [SKBHCVAP2017/0001] Consolidated with Director Physical Planning v Anne Hendricks Bass [SKBHCVAP2017/0002] (Saint Kitts and Nevis)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant/	Kelsick, Wilkin & Ferdinand

	Appellant:	
	Appellant/ Respondent:	Ms. Rhonda Nisbett-Browne
Issue:		Case Management of appeals
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The two appeals, numbers 1 and 2 of 2017 shall be heard together. 2. The appeals shall be heard as summary appeals so that rule 62.12 of CPR 2000 shall not apply. 3. The appellant shall file and serve skeleton arguments in civil no. 1 of 2017 within 28 days of this order, while the respondent shall file and serve skeleton arguments in civil appeal no. 2 of 2017 within 14 days of the date of this order. 4. The parties shall file and serve skeleton arguments in response within 28 days of receiving the skeleton arguments of the adverse party. 5. The appeal shall be fixed for hearing at the next sitting of the Court in Saint Christopher and Nevis during the week beginning 12th June 2017.
Reason:		The Court noted the judgement and order of Williams J dated 25th January 2017.
Case Name:		Arlene Mills v John Mills [SKBHCVAP2016/0011] (Saint Kitts and Nevis)
Date:		Tuesday, 11th April 2017
On paper:		
	Respondent/	Ms. Felicia Johnson, Law Office of Herbert Thompson

	Applicant:	
	Appellant/ Respondent:	Browne & Associates
Issue:		Application to strike out notice of appeal
Result / Order & Reason:		IT IS HEREBY ORDERED THAT: The notice of appeal filed by the respondent on 22 nd July 2016 is a nullity because – (1) no leave was given to the respondent to appeal against the interlocutory order made by the High Court on 24 th May 2016; (2) the notice of appeal was filed outside of the time limited to appeal the order of 24 th May 2016, whether or not it was an interlocutory or final order and whether or not it was made in family proceedings; and/or (3) there was no order made by the Court on 9 th June 2016 to which the notice of appeal referred.
Case Name:		Harlequin Property (SVG) Limited v Gabriella Klein as Representative Petitioner [SVGHCRA2017/0008] (Saint Vincent and the Grenadines)
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	In person
Issue:		Application without notice motion for leave
Result / Order:		IT IS HEREBY ORDERED THAT: The matter is referred to the Full Court for hearing at the sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 8 th May 2017.

Reason:		The Court was inclined to refuse leave to appeal and noted rule 62.2(5) of the Civil Procedure Rules.
Case Name:		Moises Ovalle Almonte v The Commissioner of Police (BVIHCRAP2016/0005) [Territory of the Virgin Islands]
Date:		Tuesday, 11 th April 2017
On paper:		
	Applicant:	In person
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The hearing of the application for leave to appeal against conviction and sentence is adjourned to the next sitting of the Court of Appeal in the Territory of the Virgin Islands during the week commencing 10th July 2017. 2. Leave is granted to the applicant to file and serve written submissions in support of his application on or before 13th May 2017. 3. Leave is granted to the respondent to file and serve skeleton arguments in response to the applicant's application on or before 13th June 2017.
Reason:		The Court noted the orders of Thom JA made on 29 th November 2016, Webster JA [Ag.] made on 25 th January 2017, and Baptiste JA made on 21 st February 2017. The Court also noted the minute of conviction and sentence filed on 3 rd March 2017.

Case Name:		Kazholdings Incorporated & Kazholdings LLP Applicants/Appellants/Affected Parties And John Emmott Respondent/Applicant And Michael Wilson & Partners, Limited Respondent
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Mr. Callum McNeil (Campbell's)
Issue:		Application for extension of time to file notice of appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. An extension of time is granted to the applicants to file a notice of appeal of the judgment of Wallbank J [Ag.] dated 29th November 2016. 2. The notice of appeal filed by the applicants on 11th January 2017 is hereby deemed to have been duly filed.
Reason:		The Court noted the orders made by Webster JA [Ag.] on 24th January 2017 and by Baptiste JA on 21st February 2017 as well as the affidavits of service filed by the applicants on 16th February 2017. The Court was satisfied that the applicants have met the requirements for the grant to them of leave to appeal.

Case Name:		Valery Rogalskiy V JSC MCC Eurochem (BVIHCMAP2017/0007) [Territory of the Virgin Islands]
Date:		Tuesday, 11th April 2017
On paper:		
	Applicant:	Appleby
	Respondent:	Martin Kenney & Co.
Issues:		Application for leave to appeal – Application for stay of execution – Application for directions for hearing
Result / Order:		IT IS HEREBY ORDERED THAT: The application for leave to appeal and stay of the order of Wallbank J (Ag.) made on 15th and 16th February 2017 is set down for hearing on the papers by the Full Court on Friday, 21st April 2017.
Reason:		The Court had regard to rule 62.2(5) of the Civil Procedure Rules 2000.