

CHAMBER HEARING

November 2016

		<u>MATTERS DEALT WITH ON PAPER</u>
Before:		The Hon. Mde. Gertel Thom, Justice of Appeal
Case Name:		Estate of Dame Bernice Lake, QC (Deceased and Conch Bay Development Ltd. v The Attorney General of Anguilla [AXAHCVAP2016/0003] (Anguilla)
Date:		Thursday, 28th November 2016
On paper:		
	Applicants:	Joyce Kentish & Associates
Issues:		Application for leave to amend notice of appeal – Application for leave to file reply to skeleton arguments
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The appellants have leave to amend the notice of appeal as prayed by the appellants in the application of 8th November 2016. 2. The appellants are granted leave to file their skeleton arguments in reply, as filed on 8th November 2016. 3. The appellants shall file and serve the re-amended notice of appeal on 28th November 2016, if not sooner. 4. The respondent shall by 2nd December 2016 file and serve a skeleton argument in response to the re- amended notice of appeal, such skeleton argument to be strictly and specifically limited to matters concerning section 18 of the Land Acquisition Act.

		5. The hearing of the application by the Court listed for 29th November 2016 is hereby vacated. 6. Costs in the case.
Reason:		The parties arrived at a consent position on the application and agreed that the substantive hearing of the appeal in the December 2016 sitting of the Court of Appeal in Anguilla will not be vacated owing to the filing of the re-amended notice of appeal, the appellants' reply submissions or any reply that the respondents may file within seven (7) days of execution of this order by the parties.
Case Name:		Commissioner of Police v Magistrate Emmanuel [ANUHCVP2016/0003] (Antigua and Barbuda)
Date:		Thursday, 28 th November 2016
On paper:		
	Applicant/ Respondent:	In person
Issue:		Application for extension of time to comply with court order
Result / Order:		IT IS HEREBY ORDERED THAT: The application of the respondent for an extension of time to comply with the order of Michel JA dated 10th November 2016 is dismissed.
Reasons:		The Court noted the order of Michel JA dated 10th November 2016 and was of the view that the order of

		Michel JA only required the applicant to serve the application to state a special case to the court on the respondent on or before 21 st November 2016.
Case Name:		Augustina Tavernier and Glorine Tavernier, personal representatives of Earnest Felix Tavrnier v [1] Johnson Baron [2] Roland Delsol [3] Kyle Henry [DOMHCVAP2016/0009] (Commonwealth of Dominica)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	Mr. Tiyani Behanzin
	2nd Respondent:	Heather Felix-Evans
Issue:		Application for leave appeal out of time
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The Registrar of the High Court is directed to provide the Court with proof of service of the orders on the applicant within 14 days. 2. The application is adjourned to the next chamber hearing scheduled for 20th December 2016.
Reasons:		The Court noted the orders of Blenman and Michel JJA dated 6th October 2016 and 3rd November 2016, respectively and also noted that there is no proof that the orders of the Court were served on the applicant.

Case Name:		The Bank of Nova Scotia v [1] Joyce Erin Rabess [2] Anison Rabess [DOMHCVAP2016/0010] (Commonwealth of Dominica)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	Harris, Harris & Didier
	Respondents:	In person
Issues:		Application for leave to appeal – Application for stay of proceedings
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant is granted leave to appeal the decision of Master Corbin-Lincoln dated 29th June 2016. 2. The applicant shall file and serve the notice of appeal within 21 days of the date of this order. 3. The hearing of the application for a stay of proceedings will be fixed by the Chief Registrar on the filing of the notice of appeal.
Reasons:		The Court noted that the respondents have not filed skeleton arguments pursuant to the order of Michel JA dated 3rd November 2016 and was of the view that the applicant has satisfied the requirements for the grant of leave to appeal.

Case Name:		Asher James v The State [DOMHCRAP2016/0005] (Commonwealth of Dominica)
Date:		Thursday, 28th November 2016
	Applicant:	Mr. Geoffrey Letang
Issue:		Application for leave to appeal against conviction
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant is granted leave to appeal his conviction and the sentence imposed on him on 9 th June 2016. 2. The applicant shall file and serve the notice of appeal within 21days of the date of this order.
Case Name:		Matthew Nelson v [1] Elton Darwton [2] Public Works Corporation [DOMHCVAP2016/0008] (Commonwealth of Dominica)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	Ms. Lisa de Freitas
Issues:		Application for leave to appeal – Application for extension of time to file notice of appeal

Result / Order:		IT IS HEREBY ORDERED THAT: The hearing of the applications is adjourned to the next chamber hearing scheduled for 20 th December 2016.
Reason:		The Court noted that the time for the respondent to file submissions in response to the application for an extension of time has not expired.
Case Name:		The Attorney General of Grenada v [1] Financial Investment and Consultancy Services Ltd. [2] RBTT Bank (Grenada) Limited [3] Grenada Cooperative Bank Limited [4] Republic Bank (Grenada) Limited [5] First Caribbean International Bank (Barbados) Limited [6] The Bank of Nova Scotia [GDAHCVAP2016/0038] (Grenada)
Date:		Thursday, 28 th November 2016
On paper:		
	Applicant:	Solicitor General, Attorney General's Chambers
	Respondent:	Henry Henry & Bristol
	Garnishees:	
Issues:		Application for extension of time to apply for leave to appeal – Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT:

		1. The application for an extension of time within which to seek leave to appeal the order of Her Ladyship Justice Wynante Adrien-Roberts dated 22nd July 2016 is granted. 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 and thereafter the appeal shall proceed in accordance with CPR 2000.
Reason:		The Court was of the view that the applicant has met the requirements for leave to appeal and for the grant of leave to appeal.
Case Name:		Margaret Stevenson (as Administratrix of the Estate of Carlton Stevenson, Deceased) v Lashley A. Salfarlie (trading as ‘Salfarie, Salfarie & Salfarie’) [GDAHCVAP2013/0035] (Grenada)
Date:		Thursday, 28 th November 2016
On paper:		
	Applicant:	Chancery Chambers
	Respondent:	Kim George & Associates
Issue:		Application for stay of execution of order be lifted
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The stay of execution granted on 27th February 2014 is hereby set aside. 2. Margaret Stevenson as Administratrix of the Estate of Carlton Stevenson, Deceased, shall pay Lashley

		A. Salfarlie costs in the sum of \$750.00.
Reasons:		The Court came to its decision upon having regard to the circumstances of this case that no notice of appeal has been filed by the respondent more than two years after leave to appeal was granted.
Case Name:		Paul Duncan v The Queen [GDAHCRAP2016/0014] (Grenada)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	Mr. Darshan Ramdhani
	Respondent:	The Director of Public Prosecutions
Issue:		Application for leave to appeal against sentence
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Leave to appeal is granted. 2. The applicant shall file the notice of appeal within 21 days of the date of this order.
Case Name:		Devon Charles v The Commissioner of Police [GDAMCRAP2016/0008]

		(Grenada)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	GW Prime & Co.
	Respondents:	In person
Issues:		Application for leave to appeal – Application for stay of proceedings
Result / Order:		IT IS HEREBY ORDERED THAT: 1. Leave is granted to appeal the decision of the Honourable Chief Magistrate dated 28 th January 2016. 2. The time for filing the notice of appeal is extended to 14 days from the date of this order.
Reason:		The Court noted that there is no opposition to the application.
Case Name:		Agnes Richardson v Verolina George [GDAHCVAP2016/0039] (Grenada)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	Ciboney Chambers
	Respondent:	The Director of Public Prosecutions

Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant is granted leave to appeal the order of His Lordship Justice Shiraz Aziz, dated 31st October 2016. 2. The applicant shall file the notice of appeal within 21 days of the date of this order.
Reasons:		The Court was of the view that the applicant has satisfied the requirements for the grant of leave to appeal.
Case Name:		Rajiv Gunness v [1] Saint George's University Limited (Owners and operators of St. George's University) [2] Dr C. V. Rao (sued in his capacity as Dean of Students of St. George's University) [GDAHCVAP2016/0040] (Grenada)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	Dr Francis Alexis
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant shall file a copy of the said orders on or before 12th December 2016.

		2. The hearing of the application is adjourned to the next chamber hearing scheduled for 20 th December 2016.
Reasons:		The Court noted that the orders in relation to which leave to appeal is sought were not filed with the application.
Case Name:		Independent Asset Management Company Limited v Swiss Forfaiting Ltd. [BVIHCMAP2016/0034] (Territory of the Virgin Islands)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	Harney Westwood & Riegels
	Respondent:	Maples & Calder
Issue:		Application for leave security for costs
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The appellant shall provide security in respect of the respondent's costs of the appeal. The amount of such security shall be \$72,509.50 to be paid into a trust account of Harneys Westwood & Riegels within 14 days of the date of this order until further order of the Court or agreement between the parties. 2. Unless the appellant provides such security within 14 days of the date of this order in accordance with paragraph 1 above, the appellant's appeal shall be dismissed with costs against it without

		further order of the Court. 3. The appellant shall pay the applicant's costs of this application.
Reasons:		The Court noted that it is not disputed that the appellant has no assets in the jurisdiction or elsewhere other than 100 voting non-participating shares in the respondent which have a nominal value of Euro \$100, and the appellant has not shown by affidavit evidence that it would be unable to pursue its appeal if an order for security for costs is made. The Court also noted that the costs below are yet to be assessed. The Court was of the view that in the circumstances, it is just to make an order for security for costs.
Case Name:		Moises Ovalle Almonte v The Commissioner of Police [BVIHCRA2016/0005] (Territory of the Virgin Islands)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	In Person
	Respondent:	The Director of Public Prosecutions
Issue:		Application for permission to appeal against convictions and sentences
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The Registrar of the High Court shall file a copy of the minute of conviction and sentence of the Honourable Magistrate Mrs. Ayanna Baptiste-

		DaBreo dated 22nd July 2016 within 14 days of the date of this order. 2. The Registrar of the High Court shall serve a copy of the permission to appeal and the minute of conviction and sentence on the Director of Publications within 21 days and provide proof of service to the Court. 3. The hearing of the application is adjourned to the next chamber hearing scheduled for 24th January 2017.
Reason:		The Court noted that the minute of conviction and sentence was not filed with the permission to appeal.
Case Name:		Sylon Forbes v The Queen [BVIHCRAP2016/0004] (Territory of the Virgin Islands)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	In person
	Respondent:	The Director of Public Prosecutions
Issue:		Application for permission to appeal against convictions and sentences
Result / Order:		IT IS HEREBY ORDERED THAT: The hearing of the application is set down before the Full Court at its next sitting in the Territory of the Virgin Islands during the week commencing 30th January 2017.
Reason:		The Court noted the transcript of the sentencing

		proceedings and the judgment on sentencing
Case Name:		[1] Gregory Gilpin Payne [2] International Investments & Consulting Ltd. v [1] Stephen First [2] Corporate Capital (Asia) Ltd [SKBHCVAP2016/0016] (Saint Christopher and Nevis)
Date:		Thursday, 28th November 2016
On paper:		
	1st Applicant:	In person
	2nd Applicant:	Mr. Dennis Merchant
	Respondents:	Mr. Thomas Astaphan, QC
Issue:		Application for extension of time to file leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicants shall provide proof of service of the notice of application for extension of time to file application for leave to appeal the order of the Honourable Master Corbin-Lincoln dated 9th September 2016 and the affidavit in support, on the respondents on or before 12th December 2016. 2. The application is adjourned for oral hearing via teleconference on Monday, 19th December 2016 at 10:30 a.m.
Reason:		The Court noted that there is no proof of service of the notice of application and affidavit in support on the respondents

Case Name:		South East Asia Energy Limited AG v Hycarbex American Energy Inc. [SKBHCVAP2016/0015] (Saint Christopher and Nevis)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	Ms. Dia C. Forrester & Mr. Jomokie Phillips
	Respondent:	Ms. Midge Morton, Morton Robinson, L.P.
Issues:		Application for leave to appeal – Application for extension of time to file notice of appeal
Result / Order:		IT IS HEREBY ORDERD THAT: 1. The application for security for costs on appeal is dismissed. 2. The applicant shall pay the respondent costs in the sum of \$750.00.
Reason:		The Court read the notice of objection filed on 28th October 2016 and noted that the respondents have not filed a notice of appeal.
Case Name:		Caribbean Building Systems (St. Kitts) Limited v First Caribbean International Bank (Barbados) Limited [SKBHCVAP2016/0017] (Saint Christopher and Nevis)

Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	Dr Dennis Merchant
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant shall file a copy of the order of the Honourable Master Agnes Actie dated 19th October 2016 within 14 days of the date of this order. 2. The hearing of this application is adjourned to the next chamber hearing scheduled for 20th December 2016.
Case Name:		Bridge Funding Inc. v [1] Carino Hamilton Development Company Ltd. [2] Jorn Eivik [SKBHCVAP2016/0012] (Saint Christopher and Nevis)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	Ms. Dia Forrester/ Ms. Michelle Slack
	Respondents:	Merchant Legal Chambers
Issues:		Application for leave to appeal – Application for stay of execution/rectify matters – Application for extension of time to effect personal service
Result / Order:		IT IS HEREBY ORDERED THAT:

		1. The second respondent is deemed to be properly served. 2. The applicant is granted leave to appeal the judgment of Her Ladyship Justice Loraine Williams dated 21st July 2016. 3. The applicant shall file the notice of appeal within 21 days. 4. The application for a stay of execution will be set down for hearing on date to be fixed by the Chief Registrar on the filing of the notice of appeal.
Reason:		The Court noted the order of the Full Court dated 10 th October 2016 giving leave to the applicant to serve the respondent personally with the application and affidavits in support within 7 days of the date of the order and to provide proof of service within 10 days of the order.
Case Name:		[1] Cecile Beryl Ryan-Cox [2] Theobald Cox v Rhona aka Lorna Cox [SLUHCVAP2013/0003] (Saint Lucia)
Date:		Thursday, 28th November 2016
On paper:		
	Applicants:	Theodore & Associates
	Respondent:	Gordon, Gordon & Gordon
Issue:		Application to replace deceased parties to appeal
Result / Order:		IT IS HEREBY ORDERED THAT:

		1. The applicant shall file the affidavit on or before 12th December 2016. 2. The applicant shall provide proof of service of the order on Mr. Christopher Cox on or before 12th December 2016. 3. The hearing of the application is adjourned to the next chamber hearing scheduled for 20th December 2016.
Reason:		The Court noted that the applicant has not complied with the order of Michel JA dated 10 th December 2016 and that there is no proof of service of the order on Mr. Christopher Cox.
Case Name:		Marvyn Terry Nelson v The Queen [SLUHCRA2016/0005] (Saint Lucia)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	Mr. Jeannot Michel Walters
	Respondent:	The Director of Public Prosecutions
Issues:		Application for extension of time within which to apply for leave to appeal – Application for leave to appeal against sentence of imprisonment
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The application for extension of time within which to apply for leave to appeal is granted. 2. The notice of application for leave to appeal the sentence of the court imposed on 23rd June 2016 filed on 26th July 2016 is deemed properly filed. 3. The applicant is granted leave to appeal the

		sentence of imprisonment imposed by the High Court on 23 rd June 2016 within 21 days of the date of this order.
Reason:		The Court noted the decision on sentencing and order dated 23 rd June 2016.
Case Name:		Lynden Blasse v The Queen [SLUHCRA2016/0006] (Saint Lucia)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	Mr. Jeannot Michel Walters
Issues:		Application for extension of time within which to apply for leave to appeal – Application for leave to appeal against sentence
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The application for extension of time within which to apply for leave to appeal is granted. 2. The Notice of Application for leave to appeal the sentence of the Court imposed on 23rd June 2016 Filed on 26th July 2016 is deemed properly filed. 3. The applicant is granted leave to appeal the sentence of imprisonment imposed by the High Court on 23rd June 2016 within 21 days of the date of this order.
Reason:		The Court noted the decision on sentencing and order dated 23 rd June 2016.

Case Name:		Enrico Lewis v Public Service Board of Appeal [SLUHCVAP2014/0003] (Saint Lucia)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	Theodore & Associates
	Respondent:	Peter Foster & Associates
Issue:		Notice of application to strike out appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant shall serve the notice of application to strike out the appeal in accordance with the order of Blenman JA dated 6th October 2016 within 14 days and provide proof of service to the Court. 2. The hearing of the application is adjourned to the next chamber hearing scheduled for 20th December 2016.
Reason:		The Court noted the order of Blenman JA made on 6th October 2016 directing service of the notice of application on Enrico Lewis, together with a copy of the aforesaid order, within 14 days of the date of the order, as well as the direction contained within the order that proof of service be furnished to the Court within 21 days of the date of the order. The Court noted that there is proof of service on the Attorney on record for the appellant of the notice of application to strike out the appeal and of the order of Blenman JA filed on 5th October 2016, but not on Enrico Lewis as directed by Blenman JA.

Case Name:		[1] Peter Toussaint [2] Terentia Nigel Toussaint-Carrol [3] The Heirs of Thelma Toussaint v Peter Barnard [SLUHCVAP2016/0022] (Saint Lucia)
Date:		Thursday, 28th November 2016
On paper:		
	Applicants:	In person
Issue:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicants are granted leave to appeal the decision of His Lordship, The Honourable Justice Francis Belle dated 27th October 2016. 2. The applicants shall file the notice of appeal within 21 days of the date of this order, thereafter the appeal shall proceed in accordance with CPR 2000.
Reason:		The Court was satisfied that the applicants were parties to the proceedings below and may therefore seek leave to appeal the decision of the Court below and was of the opinion that the applicants have satisfied the requirements for the grant of leave to appeal.
Case Name:		Good Goal Limited v

		Oliver C. Jordan (qua Liquidator for sunset Village Inc. (In Liquidation) [SLUHCVAP2016/0026] (Saint Lucia)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	Gordon, Gordon & Co.
Issues:		Application for leave to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant is granted leave to appeal the order of Her Ladyship Justice Roslyn Wilkinson dated 7th November 2016. 2. The applicant shall file a notice of appeal within 21 days of the date of this order.
Reason:		The Court was of the view that the applicant has satisfied the requirements for the grant of leave to appeal.
Case Name:		Brentson Antoine v Commissioner of Police [SVGMCRAP2016/0050] (Saint Vincent and the Grenadines)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	In person

Issue:		Application for extension of time to appeal
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The Registrar of the High Court shall file a copy of the minute of conviction and sentence imposed by the Court on 2nd September 2016 with the court within 14 days of the date of this order. 2. The Registrar shall serve a copy of the notice of application for extension of time within which to appeal and a copy of the minute of conviction and sentence on the Director of Public Prosecutions within 21 days of the date of this order. 3. The hearing of this appeal is adjourned to the next chamber hearing scheduled for 20th December 2016.
Reason:		The Court noted that the minute of conviction and sentence was not file with the notice of application.
Case Name:		Brandion Lynch v Kenrick Ricardo Isaacs [SVGHCRAP2016/0030] (Saint Vincent and the Grenadines)
Date:		Thursday, 28th November 2016
On paper:		
	Applicant:	In person
Issue:		Application for leave to appeal out of time
Result / Order:		IT IS HEREBY ORDERED THAT: 1. The applicant shall provide the court with proof of service on the respondent of the application and supporting documents on or before 12th December

		2016. 2. The hearing of the application is set down for the next chamber hearing scheduled for 20th December 2016.
Reason:		The Court noted that there is no proof of service of the application and supporting documents on the respondent.