

CHAMBER HEARING

August 2016

MATTERS DEALT WITH ON PAPER

Before:

The Hon. Mde. Gertel Thom, Justice of Appeal

Case Name:

**In the Matter of Leeward Isles Resorts Limited
and in the Matter of an Application under section
211 of the Companies Act R.S.A c. C65
And In the Matter of the Court Supervision of the
liquidation of Leeward Isles Resorts Limited
And In the Matter of the Compulsory Winding up
of Leeward Isles Resorts Limited**

Between:

**(1)Brilla Capital Investment Master Fund SPC
Limited (A Cayman Islands segregated
portfolio Company, for and behalf of Brilla
Cap Juluca Segregated Portfolio M, a
segregated portfolio thereof)
(2)Anguilla Hotel Investors II Limited
Respondents/Appellants**

v

**(1)Leeward Isles Resorts Limited (in
liquidation)
Respondent
(2)Charles Hickox
(3)Linda Hickox
(4)Cap Juluca L & C Limited
Applicants/Respondents**

**(5)William Tacon (the former joint
liquidator of Leeward Isles Resorts
Limited)
(6)Stuart Mackellar (the former joint**

**liquidator of Leeward Isles Resorts
Limited)
(7) John Greenwood (the liquidator of
Leeward Isles Resorts Limited
(8) Registrar of Companies
Respondents**

**In the Matter of Maundays Bay Management
Limited And in the Matter of an Application
under section 211 of the Companies Act R.S.A c.
C65**

**And In the Matter of the Court Supervision of
the Liquidation of Maundays Bay Management
Limited**

Between:

**(1) Brilla Capital Investment Master Fund SPC
Limited (A Cayman Islands Segregated
portfolio Company, for and behalf of Brilla
Cap Juluca Segregated Portfolio M, a
segregated portfolio thereof)
(2) Anguilla Hotel Investors II Limited
Respondents/Appellants
v**

**(1) Maundays Bay Management Limited (in
liquidation)
Respondent**

**(2) Charles Hickox
(3) Linda Hickox
(4) Cap Juluca L & C Limited
Applicants/Respondents**

**(5) William Tacon (the former joint
liquidator of Leeward Isles Resorts
Limited)
(6) Stuart Mackellar (the former joint
liquidator of Leeward Isles Resorts
Limited)
(7) John Greenwood (the liquidator of**

**Leeward Isles Resorts Limited
(8)Registrar of Companies
Respondents**

**[AXAHCVAP2013/0011]
(Anguilla)**

Date: Thursday, 4th August 2016

On paper:

Applicants: C.R Hodge & Associates

Respondent: Mr. Ravi A. Bahadursingh (Chancery Lane Chambers)

Issue: Application for assessment of costs

Result / Order:

IT IS HEREBY ORDERED THAT:

The application is set down for hearing before the Full Court at its next sitting in the Territory of Anguilla during the week commencing 12th December 2016

Reason:

The Court was of the view that the assessment of costs should be conducted by the Master of the Court. However, the application was set down to be dealt with by the Full Court.

Case Name:

Webster's Management Group Ltd

v

**The Attorney General of Anguilla (Sued as the
legal representative of the Government of
Anguilla/ Executive Council)**

**[AXAHCVAP2016/0005]
(Anguilla)**

Date: Thursday, 4th August 2016

On paper:

Appellant: Ms. Keesha C. Carty K.C.W et al
Respondent: Mr. Ivor Greene, Senior Crown Counsel

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application is set down for hearing before the Full Court at its next sitting in the Territory of Anguilla during the week commencing the 12th December 2016

Reasons: The Court was of the view that the matter should be determined by the Full Court pursuant to rule 62.2 of the Civil Procedure Rules 2000.

Case Name: In the Matter of Barnes Bay Development Ltd (In Liquidation)

Between:

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: Thursday, 4th August 2016

On paper:

Applicant: Mr. J. Alex Richardson (Alex Richardson & Associates)

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

execution

Result / Order:

IT IS HEREBY ORDERED THAT:

The application is set down for hearing before the Full Court at its next sitting in the Territory of Anguilla during the week commencing 12th December 2016

Reason:

The Court was minded to refuse leave. Accordingly, the Court referred the matter for hearing by the Full Court pursuant to rule 62.2(5) of the Civil Procedure Rules 2000.

Case Name:

**Cedar Valley Springs Homeowners Association
Incorporated**

v

Hyacinth Pestaina

**[ANUHCVP2016/0009]
(Antigua and Barbuda)**

Date:

Thursday, 4th August 2016

On paper:

Applicant :

Mr. Jason A. Martin (Jason A. Martin & Associates)

Issue:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The applicant is granted leave to appeal the decision of the learned master dated 12th May 2016 within 21 days of the date of this order.

Reason:

The Court was satisfied that the applicant had met the threshold requirements for the grant of leave to appeal.

Case Name: Cedar Valley Springs Homeowners Association
Incorporated
v
1. Kenneth Meade
2. Hilda Meade
[ANUHCVP2016/0010]
(Antigua and Barbuda)

Date: Thursday 4th August 2016

On paper:
Applicant: Mr. Jason A. Martin (Jason A. Martin & Associates)

Issues: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The applicant is granted leave to appeal the decision of the Learned Master dated 12th May, 2016 within 21 days of the date of this Order.

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

Case Name: Charles Khoury
v
Agnes Khoury
[ANUHCVP2016/0012]
(Antigua and Barbuda)

Date: Thursday, 4th August 2016

On paper:
Applicant: Dr. L. Errol Cort (Cort & Cort)

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
Leave is granted to the applicant to file a notice of appeal of the decision of The Honourable Justice Pearletta Lanns dated 11th May 2016, within 21 days of the date of this order.

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

Case Name: Jess Vital
v
SAT Telecommunications Ltd.
[DOMHCVAP2016/0004]
(Commonwealth of Dominica)

Date: Thursday, 4th August 2016

On paper: Applicant: Ms. Hazel Johnson (de Freitas, de Freitas & Johnson)

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application is set down for hearing before the Full Court at its next sitting in the Commonwealth of Dominica during the week commencing 7th November 2016.

Reason: The Court was minded to refuse leave to appeal and acted in accordance with Rule 62.2(5) of the Civil Procedure Rules 2000.

Case Name:

**David Howie
v
Byron Williams**

**[DOMHCVAP2016/0006]
(Commonwealth of Dominica)**

Date:

Thursday, 4th August 2016

On paper:

Applicant: Ms. Cara Shillingford

Respondent: Mrs. Zena Moore Dyer (Dyer & Dyer)

Issue:

Application that a representative be appointed for the purpose of this appeal – Application for extension of time to seek leave to appeal and/or notice of appeal – Application for stay of proceedings

Result / Order:

**IT IS HEREBY ORDERED THAT:
The hearing of the application is set down before the Full Court at the next sitting of the Court in the Commonwealth of Dominica during the week commencing Monday the 7th day of November, 2016.**

Reasons:

The Court was of the view that the application should be determined by the Full Court.

Case Name:

**Barrington Pond
v
Netherland Antilles General Insurance
Corporation N.V**

**[DOMHCVAP2013/0005]
(Commonwealth of Dominica)**

Date: Thursday, 4th August 2016

On paper:

Appellant/Respondent: Mrs. Noelize N. Knight Didier

Respondent/Applicant: Mrs. Singoalla Blomqvist-Williams

Issue: Application to dismiss the appeal for want of prosecution

Result / Order: IT IS HEREBY ORDERED THAT:
The notice of appeal filed on 7th February 2013 is hereby dismissed for want of prosecution

Reasons: The Court was of the opinion that the appellant had failed to prosecute the appeal timeously thus resulting in prejudice to the applicant. The Court noted that the applicant deposed that since the filing of the appeal more than three years has elapsed and that the appellant has failed to take any steps to prosecute the appeal. Further, the court noted that there was no opposition to the application.

Case Name: South Coast Holdings Limited (Trading as
"Grenada Marine")
v
Claus Becker
[GDAHCVAP2015/0001]
(Grenada)

Date: Thursday, 4th August 2016

On paper:

Applicant: Mr. Anselm B. Clouden (Greenlaw Chamber)

Respondent: Ms. Kimber Guy-Renwick (Henry, Henry & Bristol)

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

Result / Order: IT IS HEREBY ORDERED THAT:
The application for extension of time to seek leave to appeal is dismissed with costs to the Respondent in the sum of \$750.00.

Reason: The Court noted the fact that it has a discretion to extend time to seek leave to appeal and in exercising its discretion the factors for consideration are: the length of delay, the reasons for delay, the chance of the appeal succeeding if the extension is granted, and the degree of prejudice to the Respondent if the application is granted. The Court considered the delay of approximately 3 ½ months but noted that the reason given, being the ill health of the Applicant in Germany, was a reasonable explanation for the delay. However, the Court further noted that the applicant had not shown a reasonable prospect of success and that the respondent will suffer prejudice if the application is granted;

Case Name: Dennis Thomas
v
1. Harry Ranger
2. Vinnes Ranger

[GDAHCVAP2011/0006]
(Grenada)

Date: Thursday, 4th August 2016

On paper:

Appellant/Respondent: Ms. Gennilyn E. Ettienne

Respondent/Applicant : Mr. Henry C. Paryag

Issues: Application by respondent to dismiss appeal for want of prosecution – Application by appellant to dismiss respondents application – Application by appellant for extension of time to complete the record of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application to dismiss the notice of appeal for want of prosecution is dismissed.
2. The appellant is granted an extension of time of 30 days within which to file the remaining documents to complete the record of appeal.
3. No order as to costs.

Reason: The Court was of the view that although the delay was lengthy, the reason for the delay was satisfactory and the appellant had a reasonable prospect of success. Further, it had not been shown that the respondent would suffer any severe prejudice.

Case Name: George Worme
v
Shiraz Aziz
[GDAHCVAP2016/0002]
(Grenada)

Date: Thursday, 4th August 2016

On paper:

Appellant / Respondent :	Amicus Attorneys
Respondent/ Applicant :	Mr. Thomas Astaphan QC instructed by Mr. Derick Sylvester

Issue: Application to strike out notice of appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The application is set down for hearing before the Full Court at its next sitting in the State of Grenada during the week commencing Monday, 5th December 2016.

Case Name:

**The Permanent Secretary of the Ministry of
Finance
v
Financial Investment and Consultancy Services
Limited**

**[GDAHCVAP2016/0001]
(Grenada)**

Date:

Thursday, 4th August 2016

On paper:

Applicant:

Mrs. Kinna Marrast-Victor Crown Counsel

Respondent:

Mrs. Kimber Guy-Renwick (Henry, Henry & Bristol)

Issue:

Application for stay of proceedings in Court below (GDAHCV2015/0379) pending determination of the notice of appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for a stay of proceedings is refused.

Reasons:

The Court noted the order of Madam Justice Adrien-Roberts dated 22nd July 2016 by which the application for committal was adjourned to 2nd March 2017. The Court further noted that the main thrust of the appellant's application was the severe prejudice he would suffer if his liberty was taken away prior to his appeal being heard and in the event that his appeal was successful. However, the Full Court is scheduled to sit in Grenada during the week commencing 5th December 2016.

Case Name:

The Director of Public Prosecutions

v

Shankiel Myland

[GDAHCVAP2012/0016]

(Grenada)

Date:

Thursday, 4th August 2016

On paper:

Appellant/Respondent: Mrs. Kinna Marrast-Victor, Crown Counsel

Respondent/Applicant: Ciboney Chambers

Issue:

**Application for extension of time to file affidavit –
Application for order deeming affidavit filed on 18th July
2016 properly filed.**

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The affidavit of the respondent Shankiel Myland, filed
on 18th July 2016 is deemed properly filed**
- 2. No order as to costs**

Reason:

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

Case Name:

**Kenneth Allen
Alyn Russell Krause
Gail Ann Cimon- Krause
Phillip Brelsford
Joel Osborne
Ingrid Osborne**

v
Providence Estate Limited
Owen M. Rooney

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

Date: Thursday, 4th August 2016

On paper:

Applicant/Appellant: Kharl Markham & Chivone Gerald (Allen Markham & Associates)

Issues: Application for stay of execution of order – Application for consolidation of appeals

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The appellants shall provide proof of service of the applications and supporting documents on the Respondents within 14 days.
2. Hearing of the applications is adjourned to the next Chamber Hearing scheduled for Thursday, 6th October 2016.

Reason:

The Court noted that there was no evidence that the applications and supporting documents were served on the respondents.

Case Name:

Providence Estate Limited
Owen Rooney

v
Clifton Cassell
Clifford West

[MNIHCVAP2016/0012]
(Monsterrat)

Date: Thursday, 4th August 2016

On paper:

Applicant: Mr. Owen Rooney

Issues: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application for leave to appeal is dismissed.

Reason: The Court was of the view that the orders are final orders
and no leave to appeal is required.

Case Name: Eurella Grant
v
Superintendent of Her Majesty's Prisons

[MNILTAP2015/0002]
(Montserrat)

Date: Thursday, 4th August 2016

On paper:

Applicant: Mr. Sylvester Carrot

Respondent: Ms. Sheree Jemmotte- Rodney, Principal Crown Counsel

Issue: Application to state a case

**Result / Order &
Reason:** IT IS HEREBY ORDERED THAT:
The matter be set down for status hearing at the next
sitting of the Court of Appeal in the Territory of
Montserrat during the week commencing Monday, 24th
October 2016.

Case Name: Adam Bilzerian
v
Kevin Horstwood

[SKBHCVAP2015/0028]
(Federation of Saint Christopher and Nevis)

Date: Thursday, 4th August 2016

On paper:

Applicant: In person

Issues: Application for order directing that written reasons for High Court order be filed and for registrar to issue required notices required by rule 62.9 of the Civil Procedure Rules

Result / Order: IT IS HEREBY ORDERED THAT:
The applications are set down for case management at the next sitting of the Court of Appeal in the Federation of Saint Christopher and Nevis during the week commencing 10th October 2016.

Case Name: Adam Bilzerian
v
[1] Gerald Lou Weiner
[2] Kathleen Weiner

[SKBHCVAP2015/0015]
(Federation of Saint Christopher and Nevis)

Date: Thursday, 4th August 2016

On paper:

Applicant: In person

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

Issue: Application to reinstate and set or hearing application to

set aside decision made in party's absence

Result / Order:

IT IS HEREBY ORDERED THAT:

The applications are set down for case management at the next sitting of the Court of Appeal in the Federation of Saint Christopher and Nevis during the week commencing 10th October, 2016.

Case Name:

Kevin Andrew Horstwood

v

Adam Bilzerian

[SKBHCVAP2016/0003]

(Federation of Saint Christopher and Nevis)

Date:

Friday, 27th May 2016

On paper:

Appellant/Respondent: **In person**

Respondent/Applicant: **Dr. Dennis Merchant (Merchant & Associates)**

Issues:

Application to dismiss appeal – Application to strike out appellant's bundle of documents, affidavit in support and skeleton submissions

Result / Order:

IT IS HEREBY ORDERED THAT:

The applications are set down for case management at the next sitting of the Court of Appeal in the Federation of Saint Christopher and Nevis during the week commencing 10th October 2016.

Case Name:

First Fidelity Deposit Corporation

v
Andrew Michael Austin Titley
Judith Ann Bruton Titley
Caribbean Trust Company

[SKBHCVAP2015/0031]
(Federation of Saint Christopher and Nevis)

Date: Thursday, 4th August 2016

On paper:

Applicants: Mr. Midge A. Morton (Morton Robinson, L.P)

Issue: Application for order that legal practitioner be removed from record as legal practitioner for appellant –
Application for order dispensing with personal service –
Application for leave to serve documents and order of court by electronic means

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. Personal service is dispensed with.**
- 2. The Applicant Morton Robinson L.P. be removed from the record as Legal Practitioners for the Appellant.**
- 3. The Applicant is granted leave to serve this order by electronic means.**

Case Name:

Calvin Prentice
v
Jamie Wilkinson
Deon & Associates

[SKBHCVAP2016/0010]
(Federation of Saint Christopher and Nevis)

Date: Thursday, 4th August 2016

On paper:

Applicant: Ms. Felicia J. Johnson (Law Office of Herbert Thompson)

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
Leave is granted to the applicant to file a notice of appeal within 21 days of the date of this order.

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

Case Name: Marcia Hobson
v
Arlene Hull

[SKBMCVAP2016/0010]
(Federation of Saint Christopher and Nevis)

Date: Thursday, 4th August 2016

On paper:

Applicants: Mr. John Cato

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

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Applicant shall file a copy of the order being appealed within 14 days of today's date.
2. The application is adjourned to the next Chamber hearing date scheduled for Thursday 6th October, 2016.

Reason: The Court noted that the order being appealed was not attached to the notice of application

Case Name: Caribbean Building Systems (St.Kitts) Ltd
v
Colin Parry
First Caribbean International Bank (Barbados)
Limited
[SKBHCVAP2014/0025]
(Federation of Saint Christopher and Nevis)

Date: Thursday, 4th August 2016

On paper:
Appellant: Dr. Dennis Merchant (Merchant & Associates)

Issue: Status of the matter

Result / Order: IT IS HEREBY ORDERED THAT:
The appeal is set down for case management at the next sitting of the Court of Appeal in the Federation of Saint Christopher and Nevis during the week commencing 10th October 2016

Case Name: Caribbean Building Systems (St.Kitts) Ltd
v
Simon Briggs
[SVGHCRA2014/0026]
(Federation of Saint Christopher and Nevis)

Date: Thursday, 4th December 2016

On paper:
Applicant: Dr. Dennis Merchant (Merchant & Associates)

Issue: Status of the matter

Result / Order:

IT IS HEREBY ORDERED THAT:

The appeal is set down for case management at the next sitting of the Court of Appeal in the Federation of Saint Christopher and Nevis during the week commencing 10th October 2016

Case Name:

Paul Hackshaw

v

Saint Lucia Air and Sea ports Authority

[SLUHCVAP2016/0013]

(Saint Lucia)

Date:

Thursday, 4th August 2016

On paper:

Applicant:

Mr. Leslie Prospere (Gordon, Gordon & Co)

Issue:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Applicant shall file a copy of the decision of Madam Justice Wilkinson dated 14th June 2016 within 14 days of the date of this order.**
- 2. Hearing of the application is adjourned to the next Chamber Hearing scheduled for 6th October 2016.**

Reason:

The Court noted that the decision which the applicant seeks to appeal is not attached to the notice of application.

Case Name:

Timothy Greene

v

Anthony Paul

**[SLUHCVAP2009/0032]
(Saint Lucia)**

Date: Thursday, 4th August 2016

On paper:

**Appellant/
Respondent:** Ms. Renee T. St. Rose (Peter I. Foster & Associates)

**Respondent/
Applicant:** Mr. Eghan L.K. Modeste (Michel & Company)

Issue: Application to strike out notice of appeal

Result / Order:

IT IS HEREBY ORDEDRED THAT:

1. The Applicant shall serve the notice of application to strike out the notice of appeal and the supporting documents on the Appellant within 14 days of the date of this order.
2. The application is set down for status hearing at the next sitting of the Court of Appeal in the State of St. Lucia commencing the 19th September 2016.

Reason:

The Court noted that there was no evidence of service of the notice of application to strike out the notice of appeal and supporting documents on the appellant.

Case Name:

**Reynold Young
v
The Commissioner of Police**

**[SLUHCRAP2016/0004]
(Saint Lucia)**

Date: Thursday, 4th August 2016

On paper:

Applicant: Mr. Shawn Innocent

Respondent: Mr. S. Stephen Brette, Deputy Director of Public Prosecutions

Issues: Application for extension of time to appeal – Application for leave to appeal against sentence

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for extension of time is granted.
2. Leave is granted to the Applicant to file a notice of Appeal within 14 days of the date of this order.

Reason: The Court was of the view that the applicant had met the threshold requirements for the grant of an extension of time to file a notice of appeal and for leave to appeal the sentence imposed by the High Court.

Case Name: Harlequin Property (SVG) Limited
v
Gabriella Klein as representative petitioner
[SVGHCVAP2016/0017]
(Saint Vincent and the Grenadines)

Date: Thursday, 4th August 2016

On paper:

Applicant: Mr. Jaundy O.R. Martin (Phronesis Chambers)

Respondent: Mr. Joseph A. Delves

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
Hearing of the application is fixed for 11th August, 2016 before a Single Judge by video link.

Reason: The Court acted in accordance with rule 62.2(5) of the Civil Procedure Rules 2000.

Case Name: Junior Richards
v
The Queen
[SVGHCRA2016/0030]
(Saint Vincent and the Grenadines)

Date: Thursday, 4th August 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 serve a copy of the application filed by the applicant on 22nd June 2016 on the Director of Public Prosecutions and provide proof of service within 14 days.
2. Consideration of the application is adjourned to the next Chamber Hearing scheduled for 6th October 2016.

Reason: The Court noted that there was no evidence of service on the respondent

Case Name: Ricky Philgence
v
The Commissioner of Police

**[SVGMCRAP2016/0022]
(Saint Vincent and the Grenadines)**

Date: Thursday, 4th August 2016

On paper:

Applicant: In person

Issue: Application for extension of time to appeal

Result / Order: **IT IS HEREBY ORDERED THAT:**
The applicant is granted leave to file a notice of appeal within 14 days of the date of this order.

Reason: The Court was of the view that the applicant had met the threshold requirements for the grant of extension of time within which to file a notice of appeal against his conviction and sentence.

Case Name: **Devon Hurdle
v
The Queen**

**[SVGHCRAP2013/0025]
(Saint Vincent and the Grenadines)**

Date: Thursday, 4th August 2016

On paper:

Applicant: In person

Issue: Application for extension of time

Result / Order: **IT IS HEREBY ORDERED THAT:**
The application is set down for hearing before the Full Court at its next sitting in the State of Saint Vincent and The Grenadines during the week commencing 26th

September 2016.

Reason:

The Court noted the order of Michel JA dated 22nd May 2014 refusing the applicant's application for extension of time to appeal filed on 20th March 2014. The Court was of the view that the application ought to be dealt with by the Full Court.

Case Name:

**Donroy Warner
v
Commissioner of Police**

**[SVGMCRAP2016/0032]
(Saint Vincent and the Grenadines)**

On paper:

Applicant:

In person

Issue:

Application for extension of time

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall provide the Court with a copy of the minute of conviction and sentence of the applicant within 14 days of this Order.**
- 2. The Registrar of the High Court is to serve a copy of the application for extension of time to file a notice of appeal and the minute of conviction on the Director of Public Prosecutions within 21 days of this Order.**
- 3. The application is adjourned to the next chamber hearing scheduled for 6th October, 2016**

Reason:

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

Case Name:

**Collin Blake
v
Commissioner of Police**

**[SVGMCRAP2016/0023]
(Saint Vincent and the Grenadines)**

Date: Thursday, 4th August 2016

On paper:

Appellant: In person

Issue: Application extension of time

Result / Order:

**IT IS HEREBY ORDERED THAT:
The application for an extension of time within which to
appeal is refused.**

Reasons:

**The Court was of the opinion that the delay was lengthy
and no reasons were given for the delay. The minute of
conviction dated 13th July 2016 showed that he applicant
pleaded guilty on 24th March 2014 and was sentenced on
the said day. The court was also of the opinion that the
applicant had not shown any reasonable prospect of
success.**

Case Name:

**Peter Desuzer
v
Commissioner of Police**

**[SVGMCRAP2016/0035]
(Saint Vincent and the Grenadines)**

Date: Thursday, 4th August 2016

On paper:

Applicant: In person

Issues: Application for extension of time

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide the Court with a copy of the minute of conviction and sentence of the applicant within 14 days of this Order.
2. The Registrar of the High Court is to serve a copy of the application for extension of time to file a notice of appeal and the minute of conviction on the Director of Public Prosecutions within 21 days of this order.
3. The application is adjourned to the next chamber hearing scheduled for 6th October 2016.

Reason: The Court noted that the minute of conviction and sentence was not attached to the notice of application.

Case Name: Keith Shadow Labban
v
Commissioner of Police
[SVGMRCAP2016/0031]
(Saint Vincent and the Grenadines)

Date: Thursday, 4th August 2016

On paper:
Applicant: In person

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

Result / Order: IT IS HEREBY ORDERED THAT:
The applicant is granted an extension of time to file a notice of appeal within 14 days of the date of this order.

Reason: The Court was of the view that the applicant had met the threshold requirements for the grant of an extension of

time within which to file a notice of appeal.

Case Name: **In the Matter of Part XIX of the Insolvency Act
And In the Matter of Vipin Kumar Sharma**

Vipin Kumar Sharma

v

Toshiaki Aiba

**[BVIHCMAP2016/0022]
(Territory of the Virgin Islands)**

Date: **Thursday, 4th August 2016**

On paper:

**Appellant/
Respondent:**

Hunte & Co. Law Chambers

**Respondent/
Applicant:**

**Ms. Rosalind Nicholson and Ms. Collen Farrington
(Walkers)**

Issue: **Application for security for costs**

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Appellant shall provide security for costs in the sum of US\$15,000.**
- 2. The said sum to be paid into this Honourable Court, or the security may be provided in such manner as may be agreed by the parties within 21 days of the date of this order and held until further order of the court.**
- 3. In the event that the Appellant fails to provide security as hereby ordered the Appellant's appeal shall stand dismissed with costs against it without further order of the court.**

Reason:

The Court, having considered Part 62.17 of the Civil Procedure Rules 2000 and the applicant's submissions, was of the opinion that it was just in all of the

circumstances to make an order for security for costs.

Case Name:

Sylon Forbes

v

The Queen

**[BVIHCRAP2016/0004]
(Territory of the Virgin Islands)**

Date:

Friday, 5th August 2016

On paper:

Applicant:

In person

Issue:

Application for extension of time to file notice of appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall provide the Court with a copy of the minute of conviction and sentence of the applicant within 14 days of the date of this Order.**
- 2. The Registrar of the High Court shall serve a copy of the application filed by the applicant on 7th June, 2016, on the Director of Public Prosecutions and provide proof of service within 21 days of the date of this Order.**
- 3. The application is adjourned to the next chamber hearing scheduled for 6th October 2016.**

Reason:

The Court noted that the minute of conviction was not attached to the application and that the Director of Public Prosecutions was not served with the notice of application.

Case Name:

Sheikh Abdullah Ali Alhamrani

v
(1) Sheikh Mohammed Ali M Alhamrani
(2) Sheikh Siraj Ali M Alhamrani
(3) Sheikh Khalid Ali M Alhamrani
(4) Sheikh Mohammed Ali M Alhamrani as
representative of the late Sheikh Abdulaziz
Ali M Alhamrani
(5) Sheikh Ahmed Ali M Alhamrani
(6) Sheikh Fahad Ali M Alhamrani

[BVIHCMAP2013/0005]
(Territory of the Virgin Islands)

Date: Thursday, 4th August 2016

On paper:
Applicant: Ms. Marcia Mcfarlane (Harney Westwood & Riegels)

Issue: Application for assessment of costs

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for assessment of costs is remitted to the High Court to be determined by a Judge of the Commercial Division.
2. The Registrar of the High Court shall notify the parties of the date of hearing.

Case Name: Sheikh Abdullah Ali Alhamrani
v
(1) Sheikh Mohammed Ali M Alhamrani
(2) Sheikh Siraj Ali M Alhamrani
(3) Sheikh Khalid Ali M Alhamrani
(4) Sheikh Mohammed Ali M Alhamrani as
representative of the late Sheikh Abdulaziz
Ali M Alhamrani
(5) Sheikh Ahmed Ali M Alhamrani

(6)Sheikh Fahad Ali M Alhamrani

**[BVIHCMAP2012/0026]
(Territory of the Virgin Islands)**

Date: Thursday, 4th August 2016

On paper:

Applicant: Ms. Marcia McFarlane (Harney Westwood & Riegels)

Respondent: Walkers

Issue: Application for assessment of costs

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for assessment of costs is remitted to the High Court to be determined by a Judge of the Commercial Division.**
- 2. The Registrar of the High Court shall notify the parties of the date of hearing.**

Case Name:

**(1)Sheikh Mohammed Ali M Alhamrani
(2)Sheikh Siraj Ali M Alhamrani
(3)Sheikh Khalid Ali M Alhamrani
(4)Sheikh Mohammed Ali M Alhamrani as
representative of the late Sheikh Abdulaziz
Ali M Alhamrani
(5)Sheikh Ahmed Ali M Alhamrani
(6)Sheikh Fahad Ali M Alhamrani
v
Sheikh Abdullah Ali Alhamrani**

**[BVIHCMAP2016/0030]
(Territory of the Virgin Islands)**

Date: Thursday, 4th August 2016

On paper:

Applicant: Harney Westwood & Riegels

Respondent: Ms. Elizabeth Jones Q.C (Walkers)

Issue: Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

Leave to appeal is granted to the Applicant to file a notice of appeal of the order of the Honourable Justice Sir Bernard Eder (ag) dated 30th June 2016 within 21 days from the date of this order.

Reason:

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

Case Name:

**Anzen Ltd.
Lund 3 Aps
Travellab Global AB
v
Hermes One Ltd**

**[BVIHCMAP2014/0013]
(Territory of the Virgin Islands)**

Date: Thursday, 5th August 2016

On paper:

Applicant: Mr. James Dixon (SCA Creque)

Issue: Application for order for payment of costs

Result / Order:

IT IS HEREBY ORDERED THAT:

The respondent pay the applicants the sum of \$26, 667.00 pursuant to the order of the Privy Council dated 12th April, 2016.

Reason: The Court noted the order of costs made on 11th June 2014 which awarded costs of the appeal to the respondent in the amount of \$26,667.00 being two thirds of the costs assessed in the court below.

Case Name: Lorn Greene
v
Margaret Greene
[BVIHCMAP2016/0011]
(Territory of the Virgin Islands)

Date: Friday, 5th August 2016

On paper:

Applicant: Ms. Marie-Lou D. Creque (SCA Creque)

Respondent: Mr. Richard G. Rowe (DenJen Law)

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

Result / Order: IT IS HEREBY ORDERED THAT:
The application is set down for hearing before the Full Court at its next sitting in the Territory of the Virgin Islands during the week commencing 21st November 2016.

Reason: The Court was minded to refuse leave and accordingly acted in accordance with rule 62.2(5) of the Civil Procedure Rules 2000.

Case Name: (1)John Shrimpton
(2)Pitcairn Limited
v

**(1)Dominic Scriven
(2)Alexander Pasikowski
(3)International Finance Corporation
(4)Societe de Promotion et Participation pour
la cooperation economique
(5)Dragon Capital Group Limited**

**[BVIHCMAP2014/0171]
(Territory of the Virgin Islands)**

Date: Thursday, 4th August 2016

On paper:
Applicant: Claire Goldstein (Harney Westwood & Riegels)

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
Leave is granted to the applicant to file a notice of
appeal within 21 days of the date of this order.

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

Case Name: Emmerson International Corporation
v
**(1)Renova Industries Ltd
(2)Lamesa Holdings SA
(3)Viktor Vekselberg
(4)Integrated Energy Systems Limited
(5)Odvin Financial Inc
(6)Flopsy Overseas Limited**

**[BVIHCRAP2016/0029]
(Territory of the Virgin Islands)**

Date: Friday, 5th August 2016

On paper:

Applicant: Mr. Grant Carroll (Walkers)

Respondent: Ms. Arabella di Iorio (Maples and Caler)

Issue: Application for leave to appeal

Result/Order: IT IS HEREBY ORDERED THAT:
The applicant is granted leave to appeal the order of Justice Sher [Ag.] dated 10th June 2016 within 21 days from the date of this order.

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