

CHAMBER HEARING

February 2016

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mde. Louise Esther Blenman, Justice of Appeal

Case Name: Marlon Ho-Tack
v
Alice Ho-Tack

**[ANUHCVP2015/0002]
(Antigua and Barbuda)**

Date: Thursday, 25th February 2016

On paper:
Applicant: Mr. Hugh C. Marshall Jnr. (Marshall & Co.)

Issue: Application for abridgement of time to file notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant shall serve a copy of the notice of application on the respondent within 14 days of this order and provide proof of service.
2. The application is adjourned for further consideration at the next chamber hearing scheduled for 22nd March 2016.
3. The applicant shall comply with the relevant Practice Directions within 21 days of this order.

Reason: There was no evidence that the respondent was served with the notice of application.

Case Name:

**Gregory Gordon
v
Jacqueline Havener**

**[ANUHCVP2015/0030]
(Antigua and Barbuda)**

Date:

Thursday, 25th February 2016

On paper:

**Appellant /
Applicant:**

Ms. Samantha May (May Knight Law)

Respondent:

Issues:

**Application for extension of time to file skeleton arguments, record of appeal and chronology –
Application for relief from sanctions**

Result / Order:

IT IS ORDERED THAT:

- 1. The applicant and the respondent shall each comply with the relevant Practice Directions within 14 days of this order.**
- 2. Thereafter the application will be further considered at the chamber hearing scheduled for 22nd March 2016.**

Reasons:

The Court noted that there had been non-compliance with the Civil Procedure Rules 2000 and the relevant Practice Directions by the applicant and the respondent.

Case Name:

**Big Banana Holding Company Limited
v
ABI Bank Ltd (In Receivership)**

**[ANUHCVP2015/0040]
(Antigua and Barbuda)**

Date: Thursday, 25th February 2016

On paper:

Applicant: Mr. Kendrickson H. Kentish (Lake & Kentish)

Respondent: Ms. C. Kamilah Roberts (Roberts & Co)

Issues: Application for stay of execution – Application for substitution of respondent

Result / Order & Reason: IT IS ORDERED THAT:

1. The application for stay of execution is refused as the applicant has not met the evidential threshold for the grant of a stay.
2. The application for the substitution of the respondent in these legal proceedings is granted.

Case Name:

Geddes Meyer
v
Kehvin Dickson

[ANUHCVAP2014/0005]
(Antigua and Barbuda)

Date: Thursday, 25th February 2016

On paper:

Respondent / Applicant: Ms. C. Kamilah Roberts

Issue: Application for extension of time to file skeleton arguments

Result / Order: IT IS ORDERED THAT:

1. The application for extension of time is granted.
2. The applicant is granted extension of time to file and serve skeleton arguments.

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

Case Name:

Pavlo Lazarenko aka Pavel Lazarenko
Firststar Securities Limited
Nemuro Industrial Group Limited
Orby Internaitonal Limited
Lady Lake Investments Corporation
Fairmont Group Limited

Eurofed Bank Limited (In Liquidation)
v
The Supervisory Authority
(Under the Money Laundering (Prevention) Act 1996)

[ANUHCVP2016/0002]
(Antigua and Barbuda)

Date: Tuesday, 29th February 2016

On paper:

Applicants: Mr. Colin V.A. Derrick

Issues: Application for leave to appeal – Application for ancillary orders

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for leave to appeal and the ancillary orders is adjourned for consideration by the Full Court during the sitting of the Court in Antigua and Barbuda during the week which commences on 14th March 2016.
2. The applicant shall serve a copy of this order together with the application for leave on the Supervisory Authority and the Office of the Director of Public Prosecutions within 7 days of this order.

Case Name:

**Joseph Horsford
As sole Administrator of the Estate of William
Horsford, (deceased)**

v

Geoffrey Croft

**[ANUHCVP2014/0028]
(Antigua and Barbuda)**

Date:

Thursday, 25th February 2016

On paper:

Applicant:

In person

Issue:

Application for enlargement of time to file skeleton arguments

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant is granted 7 days leave from the date of this order to serve the application on the respondent and file an affidavit of service.**
- 2. The application is adjourned to the next chamber hearing scheduled for 22nd March 2016.**

Reason:

The Court noted that there was no proof of service of the application on the respondent.

Case Name:

Hypolite Austrie

v

Corporal Clement Fanfan

[DOMMCVP2016/0001]

(Commonwealth of Dominica)

Date: Thursday, 25th February 2016

On paper:

Applicant: In person

Issue: Application for stay of execution pending appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant shall serve a copy of the application on the respondent within 7 days of this order.
2. The applicant shall provide proof of service within 21 days of the date of this order.
3. The hearing of the application is adjourned to the next chamber hearing scheduled for 22nd March 2016.

Reason:

The Court noted that there was no proof of service of the application on the respondent.

Case Name:

Joseph Senhouse

v

The State

[DOMHCRAP2015/0009]

(Commonwealth of Dominica)

Date: Thursday, 25th February 2016

On paper:

Applicant: Ms. Dawn Yearwood-Stewart (Dawn Yearwood Chambers)

Issue: Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

Leave to appeal is granted.

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

Case Name: Vernon Anthony
v
Clem C. Boyd
[DOMMCVAP2014/0006]
(Commonwealth of Dominica)

Date: Thursday, 25th February 2016

On paper:
Applicant: In person

Issue: Application for stay of execution

Result / Order & Reason: IT IS HEREBY ORDERED THAT:
Insofar as there is no appeal filed, the Court has no jurisdiction to grant the application for stay. The application is accordingly dismissed.

Case Name: Valma R. Jessamy
v
[1] Grenada Co-operative Bank Limited
[2] Lewis & Renwick, “a Firm”
[GDAHCVAP2015/0036]
(Grenada)

Date: Thursday, 25th February 2016

On paper:

Applicant: Mr. Jerry Edwin (Eden Law Caribbean)

Respondent: Ms. Deborah St. Bernard (Lewis & Renwick)

Issues: Application for leave to appeal / Application for extension of time to appeal

Result / Order: IT IS HEREBY ORDERED AND DIRECTED THAT:
The applications are adjourned for hearing by the Full Court during the sitting of the Court in Grenada during the week commencing 20th June 2016.

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

Case Name: The Permanent Secretary of the Ministry of Finance
v
Financial Investments Consultancy Services
[GDAHCVAP2016/0001]
(Grenada)

Date: Thursday, 25th February 2016

On paper:

Applicant: Mr. Dwight Horsford, Solicitor General

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant is granted a further 14 days leave to comply with the order of Baptiste JA.
2. The application is adjourned to the next chamber hearing scheduled for 22nd March 2016.

Reason: The Court noted the order of Baptiste JA dated 21st January 2016 and that the applicant had not complied with the said order.

Case Name: Sherwin Shane Buckmire
v
The Queen
[GDAHCRAP2016/0003]
(Grenada)

Date: Thursday, 25th February 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 cause the notice of application for extension of time to appeal and the application for leave to appeal to be served on the Director of Public Prosecutions within 14 days of this order.
2. Proof of service to be furnished by the Registrar of the High Court.
3. The application is adjourned to the next chamber hearing scheduled for 22nd March 2016.

Reason: The application was not served on the Director of Public Prosecutions.

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

[MNILTAP2015/0002]
(Montserrat)

Date: **Thursday, 25th February 2016**

On paper:
Applicant: **Mr. Lakmal Wickramasooriya (Chairman, Labour Tribunal)**

Issue: **Case stated – Case management**

Result / Order: **IT IS HEREBY ORDERED AND DIRECTED THAT:**
1. The applicant shall file and serve submissions within 14 days on the issue whether there has been compliance with the relevant statute and CPR 2000.
2. The Registrar of the High Court is directed to serve a copy of the case stated together with a copy of this order on the Attorney General's Chambers.
3. The matter is referred for further case management at the next chamber hearing scheduled for 22nd March 2016.

Case Name: **A**
v
B

[BVIHCMAP2016/0001]
(Territory of the Virgin Islands)

Date: **Thursday , 25th February 2016**

On paper:
Applicant: **Ms. Dancia Penn, QC (Dancia Penn & Co)**

Respondent: Mr. Robert Nader, with him, Mr. Richard Baird (Forbes Hare)

Issues: Application for extension of time to appeal – Application for notice of application for leave to appeal to be deemed properly filed – Application for relief from sanctions

Result / Order: IT IS HEREBY ORDERD THAT:
The application for extension of time for leave to appeal is referred to the Full Court for hearing during the sitting of the Court in the British Virgin Islands during the week which commences on 4th April 2016.

Case Name: Oliver Jude Lewis
V
The Commissioner of Police
[BVIMCRAP2015/0010]
(Territory of the Virgin Islands)

Date: Thursday, 25th February 2016

On paper:
Applicant: DenJen Law

Issues: Application to enter into recognizance – Application for bail pending appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The hearing of the application is adjourned for hearing by the Full Court during the sitting of the Court in the Territory of the Virgin Islands during the week which commences on 4th April 2016.

Case Name: André Penn

V
The Queen

[BVIHCRAP2015/0006]
(Territory of the Virgin Islands)

Date: Thursday, 25th February 2016

On paper:

Applicant: In person

Respondent: Mr. Wayne L. Rajbansie, Director of Public Prosecutions

Issue: Application for bail pending appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application for bail shall be heard by the Full Court during the sitting of the Court in the British Virgin Islands during the week which commences on 4th April 2016.

Case Name: McArthur Engineering Company Limited

V
[1] Christian Cottoy
[2] Anita Cottoy

[BVIHCVAP2016/0001]
(Territory of the Virgin Islands)

Date: Thursday, 25th February 2016

On paper:

Applicant: Mr. David A. Penn (David A. Penn & Co.)

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. Leave to appeal is granted.

2. The applicant shall comply with the Civil Procedure Rules 2000.

Case Name: **First Fidelity Deposit Corporation**
v
[1] Andrew Michael Austin Titley
[2] Judith Ann Bruton Titley
[3] Caribbean Trust Company

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

Date: **Thursday, 25th February 2016**

On paper: **Respondent / Applicant:** **Ms. Kalisia Isaacs (Myrna R. Walwyn & Associates)**

Issues: **Application for order dispensing with personal service and deeming service by electronic mail as proper – Application by legal practitioner to be removed from record**

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. Personal service is dispensed with.
2. Service on the second named respondent by email is deemed proper service.
3. The firm Walwyn & Associates be removed from the record as legal practitioner for the second named respondent, Judith Ann Bruton Titley.

Case Name: **[1] Dan Bilzerian**
[2] Keyapaha International Ltd
v

**[1] Laura Getz
[2] Robert Getz
[3] Victor Doche**

**[SKBHCVAP2015/0026]
(Federation of Saint Christopher and Nevis)**

Date: Thursday, 25th February 2016

On paper:

**Intended
appellants /
Respondents:** Dr. Dennis Merchant (Merchant & Associates)

**Respondents /
applicants** Ms. Angelina Gracy Sookoo (Law Offices of Sylvester
Anthony)

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

Result / Order:

IT IS HEREBY ORDERED THAT:
The application to strike out the notice of appeal, the
application for extension of time to file the notice of
appeal and the application for leave to appeal are
adjourned for hearing by the Full Court during the next
sitting of the Court in the Federation of St. Kitts and
Nevis during the week commencing 6th June 2016.

Case Name:

**[1] Dan Bilzerian
[2] Keyapaha International Ltd.
v
St. Christopher Club Ltd.**

**[SKBHCVAP2015/0027]
(Federation of Saint Christopher and Nevis)**

Date: Thursday, 25th February 2016

On paper:

**Intended
Appellants /
Applicants:**

Dr. Dennis Merchant (Merchant & Associates)

**Respondent /
Applicant**

**Ms. Angelina Gracy Sookoo (Law Offices of Sylvester
Anthony)**

Issues:

**Application to strike out notice of appeal – Application
for extension of time to file application for leave to
appeal**

Result / Order:

**IT IS HEREBY ORDERED THAT:
The application to strike out the notice of appeal, the
application for extension of time to file the notice of
appeal and the application for leave to appeal are
adjourned for hearing by the Full Court during the next
sitting of the Court in the Federation of St. Kitts and
Nevis during the week commencing 6th June 2016.**

Case Name:

**Charles Bobb
v
The Commissioner of Police**

**[SVGMCRAP2016/0001]
(Saint Vincent and the Grenadines)**

Date:

Thursday, 25th February 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 is to provide the
Court with a copy of the minute of conviction and
sentence of the appellant on or before 25th March
2016.**

2. The registrar should cause a copy of the application for extension of time to appeal to be served on the chambers of the Director of Public Prosecutions within 14 days of this order.
3. The application is adjourned for further consideration at the chamber hearing scheduled for 26th April 2016.

Case Name:

**Edwin Cain
v
The Commissioner of Police**

**[SVGMCRAP2015/0056]
(Saint Vincent and the Grenadines)**

Date:

Thursday, 25th February 2016

On paper:

Applicant:

In person

Issue:

Application for extension of time to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. Extension of time within which to appeal is granted.
2. The applicant is granted 21 days within which to file the notice of appeal.
3. The appeal shall thereafter proceed in accordance with the relevant rules.

Reason:

The Court was satisfied that the applicant had met the threshold requirements for the grant of an extension of time.

Case Name:

**[1] Stephen Delaire
[2] Brian Delaire**

[3] Lorrain Delaire

v

[1] Dominique Fassale

[2] Marie Delaire

[3] George Delaire

[SLUHCVAP2015/0025]

(Saint Lucia)

Date: Thursday, 25th February 2016

On paper:

Applicants: Mr. Gerard Williams (Law Offices of Gerard R. Williams)

Respondents: Mr. Horace Renison Fraser (Fraser & Company)

Issues: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
Leave to appeal is granted.

Reason: The Court was satisfied that the applicants had met the prerequisites for the grant of leave to appeal.