

CHAMBER HEARING

November 2015

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mde. Gertel Thom, Justice of Appeal

Case Name: Jenny Lindsay dba Jenny Lindsay & Associates
v
Simeon Fleming
(In his capacity as Administrator of the Estates
of the late Sarah Ann Connor aka Richardson
and Catherin Fleming, deceased)

[AXAHCVAP2015/0006]
(Anguilla)

Date: Thursday, 19th November 2015

On paper:

Applicant / Respondent:	Ms. Jenny Lindsay (Jenny Lindsay & Associates) and Mr. Sydney Bennett, QC
Respondent / Applicant:	Mr. Kerith T. Kentish (Joyce Kentish & Associates)

Issues: Application by respondent to strike out notice of appeal – Application for extension of time to file notice of appeal and submissions and for relief from sanctions

Result / Order: IT IS HEREBY ORDERED THAT:
1. An extension of time is granted to the applicant to file the notice of appeal and submissions. The notice of appeal and submissions filed on 27th October 2015 are deemed to be properly filed.
2. Costs to the respondent in the sum of \$750.00.

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

time.

Case Name:

**[1] Jenny Lindsay
[2] Jenny Lindsay & Associates
v
Thomas Edward Carty
[AXAHCVAP2015/0007]
(Anguilla)**

Date:

Thursday, 19th November 2015

On paper:

Applicant: Ms. Jenny Lindsay (Jenny Lindsay & Associates)

Respondent: Ms. Yanique L. Stewart (J.A.G. GUMBS & Co)

Issue:

Application for extension of time to file and serve appeal bundle – Application for relief from sanctions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for extension of time is granted. The record of appeal filed on 23rd October 2015 is deemed properly filed.**
- 2. Costs to the respondent in the sum of \$700.00.**

Reason:

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

Case Name:

**Antigua Power Company
v
[1] Hon. Baldwin Spencer
[2] Hon. Justin Simon QC**

[3] Ambassador, Sir David Shoul
[4] Clarvis Joseph
[5] Esworth Martin
[6] Government of Antigua and Barbuda
[7] Public Utilities Company (APUA)
[8] Beijing Construction and Engineering Group
Limited
[9] Export and Import Bank of China

[ANHUCVAP2015/0032]
(Antigua and Barbuda)

Date: Thursday, 19th November 2015

On paper:
Applicant: Mr. Dane Hamilton, QC (Dane Hamilton & Associates)

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for leave to appeal filed on the 24th day of September 2015 is granted.
2. The applicant shall comply with the provisions of rule 62.10 of the Civil Procedure Rules 2000.

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

Case Name: Myrna Norde
v
Jacqueline Mannix
(As Personal Representative of the Estate of Henry Alford Mannix)

Date: Thursday, 19th November 2015

On paper:
Applicant: Mr. Ralph A. Francis

Issue: Application for leave to appeal

Result / Order: IT IS ORDERED THAT:
The hearing of the application is fixed for 1st December 2015 by teleconference at 10:00 am before a single judge of the Court.

Reason: The Court noted that the applicant had not complied with rule 62.2(1) of the Civil Procedure Rules 2000 ("CPR 2000"). The Court was minded to refuse leave and acted in accordance with CPR 62.2(5).

Case Name: Haynes Browne
v
Lena Carr, deceased by her Personal Representative Buell Carr
[ANUHCVP2014/0007]
(Antigua and Barbuda)

Date: Thursday, 19th November 2015

On paper:

Appellant / Respondent:	Henry & Burnette
Respondent / Applicant:	Dr. David Dorsett (Watt, Dorsett & Company)

Issue: Application to substitute respondent

Result / Order: IT IS HEREBY ORDERED THAT:

1. Neil Sargeant, Executor of the estate of Buell Carr, deceased be substituted as the respondent, pursuant to rule 19.2(5) of the Civil Procedure Rules 2000.
2. The matter shall be listed for status hearing on a date

and at a time to be determined by the Chief Registrar.

Reason: The Court was satisfied that the respondent/applicant had met the requirements for the substitution of a party pursuant to CPR 19.2(5).

Case Name: Judah Benjamin
v
The Chief Magistrate, District "A"
[ANUMCRAP2015/0001]
(Antigua and Barbuda)

Date: Thursday, 19th November 2015

On paper:
Applicant: Bowen & Bowen

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

Result / Order & Reason: IT IS HEREBY ORDERED THAT:
1. The application for an extension of time to file a notice of appeal filed on 6th March 2015 is granted.
2. The applicant shall file a notice of appeal within 14 days of this order.

Reason: The Court noted that there was no objection to the application by the Director of Public Prosecutions.

Case Name: Keyon Bronile Hamilton
v
Chief Magistrate
[ANUHCVP2015/0002]

(Antigua and Barbuda)

Date: Thursday, 19th November 2015

On paper:

Applicant: Mr. Lawrence Daniels (Daniels, Phillips & Associates)

Issue: Application for stay of sentence of 8 months imprisonment until determination of appeal – Draft order requesting that applicant be admitted to bail

Result / Order: IT IS HEREBY ORDERED THAT:

1. The application for bail is referred to the High Court to be determined by a judge of the High Court.
2. The Registrar of the High Court shall forthwith assign the application to a judge of the High Court and give the parties notice of the date and time of the hearing of the application.

Reason: The Court noted the provisions of sections 168 and 169 of the *Magistrate's Code of Procedure* Cap. 255 Laws of Antigua and Barbuda 1992 which provides as follows:

“168. Every appeal shall be either by way of motion or special or special case as hereinafter provided. case.

169. An appeal, whether by way of motion or special case, shall have the effect of suspending the execution of the decision, judgement or order appealed from until the final determination of such appeal.”

Case Name: Terry Herbert
v
Her Majesty The Queen

**[ANUHCRA2015/0012]
(Antigua and Barbuda)**

Date: Thursday, 19th November 2015

On paper:

Applicant: Bowen & Bowen

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

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for an extension of time to file a notice of appeal filed on 6th March 2015 is granted.
2. The applicant shall file a notice of appeal within 14 days of the date of this order.

Reason:

The court noted that there was no opposition by the Director of Public Prosecution to the application.

Case Name:

Melville Samuel

v

Her Majesty the Queen

**[ANUHCRA2015/0013]
(Antigua and Barbuda)**

Date: Thursday, 19th November 2015

On paper:

Applicant: Bowen & Bowen

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

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for extension of time to file a notice of appeal filed on 6th March 2015 is granted.
2. The applicant shall file a notice of appeal within 14 days of the date of this order.

Reason:

The Court noted that there was opposition by the Director of Public Prosecutions to the application.

Case Name: **George Baron**
v
Her Majesty The Queen
[ANUHCRAP2015/0013]

Date: **Thursday, 19th November 2015**

On paper:
Appellant: **Bowen & Bowen**

Issue: **Application for extension of time to file notice of appeal**

Result / Order: **IT IS HEREBY ORDERED THAT:**
1. The application for extension of time to file a notice of appeal filed on 6th March 2015 is granted.
2. The applicant shall file a notice of appeal within 14 days of the date of this order.

Reason: **The Court noted that there was opposition by the Director of Public Prosecutions to the application.**

Case Name: **Ronald Samuel**
v
Her Majesty The Queen
[ANUHCRAP2015/0015]
(Antigua and Barbuda)

Date: **Thursday, 19th November 2015**

On paper:
Applicant: **Bowen & Bowen**

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

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for an extension of time to file a notice of appeal filed on 6th March 2015 is granted.
2. The applicant shall file a notice of appeal within 14 days of the date of this order.

Reason: The Court noted that there was opposition by the Director of Public Prosecutions to the application.

Case Name: David Daniel
v
Her Majesty The Queen
[ANUHCRA2015/0016]
(Antigua and Barbuda)

Date: Thursday, 19th November 2015

On paper:
Applicant: Bowen & Bowen

Issues: Application for extension of time to file notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for an extension of time to file a notice of appeal filed on 6th March 2015 is granted.
2. The applicant shall file a notice of appeal within 14 days of the date of this order.

Reason: The Court noted that there was opposition by the Director of Public Prosecutions to the application.

Case Name:

**Xavier Mason
Cornell Humphreys
Colin Barnes
Cameron Thomas
Lyndon Greene
v
Antigua Port Authority

[ANUHCVP2011/0027]
(Antigua and Barbuda)**

Date:

Thursday, 19th November 2015

On paper:

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

Issue:

**Application for extension of time to file record of appeal
– Application for relief from sanctions**

Result / Order:

IT IS HEREBY ORDERD THAT:

- 1. The application for extension of time to file the record of appeal is granted.**
- 2. The record of appeal filed on 12th October 2015 is deemed properly filed.**

Reason:

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

Case Name:

**Antigua and Barbuda Transport Board
v
Anderson Carty

[ANUHCVP2015/0006]
(Antigua and Barbuda)**

Date: Thursday, 19th November 2015

On paper:

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

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

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant shall file a copy of the order being appeal within 14 days from the date of this order.
2. The application is adjourned to the next Chamber Hearing scheduled for 17th December 2015.

Reason: The Court noted that the order being appeal was not attached to the application for leave to appeal.

Case Name: Antigua and Barbuda Transport Board
v
James Sebastian
[ANUHCVP2015/0017]
(Antigua and Barbuda)

Date: Thursday, 19th November 2015

On paper:

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

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

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant shall file a copy of the order being appealed within 14 days from the date of this order.
2. The application is adjourned to the next Chamber Hearing scheduled for 17th December 2015.

Reason: The Court noted that the order being appealed was not attached to the application for leave to appeal.

Case Name: Antigua and Barbuda Transport Board
v
Anique Francis
[ANUHCVAP2015/0008]
(Antigua and Barbuda)

Date: Thursday, 19th November 2015

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

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

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant shall file a copy of the order being appealed within 14 days from the date of this order.
2. The application is adjourned to the next Chamber Hearing scheduled for 17th December 2015.

Reason: The Court noted that the order being appealed was not attached to the application for leave to appeal.

Case Name: Eastern Caribbean Insurance Limited
v
Roger Williams
[GDAHCVAP2015/0027]
(Grenada)

Date: Thursday, 19th November 2015

On paper:

Applicant: Amicus Attorneys

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

Result / Order & Reason: IT IS HEREBY ORDERED THAT:
1. The application for an extension of time to file a notice of appeal is refused.
2. No order as to costs.

Reason: The Court noted that the order being appeal is a costs order for which leave to appeal is required and that the application filed is for an extension of time to file a notice of appeal and not an application for leave to appeal.

Case Name: Anslem B. Clouden
v
Georges Cohen
[GDAHCVAP2014/0039]
(Grenada)

Date: 19th November 2015

On paper:

Applicant: Mr. Francis Alexis, QC (Grenlaw Chambers)

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

Issue: Application for stay pending determination of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for stay of execution of the judgment of Gilford J dated 3rd October 2014 and the order dated 12th June 2015 is refused.

2. The appellant/applicant shall pay costs to the respondent in the sum of \$750.00.

Reason:

The Court was of the opinion that the appellant had not provided any cogent evidence in support of the grant of a stay of execution and further had not shown that there would be any risk of injustice or that the appellant would not be able to recover any monies from the respondent should the stay not be granted. Accordingly, the Court was of the view that the appellant had failed to meet the threshold requirements for the grant of a stay.

Case Name:

Prickly Bay Waterside Limited
v
[1] Derick Steele
[2] British American Insurance Company Limited
(Under Judicial Management)

Date:

Thursday, 19th November 2015

On paper:

Applicant: Amicus Attorneys

Respondent: Mr. James Bristol (Henry, Henry & Bristol)

Issues:

Application for extension of time to file notice of appeal – Application to deem notice of appeal properly filed – Application to proceed with appeal as an appeal against a final order – Notice of discontinuance withdrawing and discontinuing the appeal against the first respondent

Result / Order:

IT IS HEREBY ORDERED BY CONSENT AS FOLLOWS:

1. That paragraphs 47 and 61 (2) of the said order of Madam Justice Clare Henry are final in nature, not requiring leave to appeal. Accordingly, the application for leave to appeal is hereby dismissed.
2. That the notice of appeal filed by the appellant on 30th September 2015 and served on the respondents on 1st October 2015 was properly filed and served.
3. That the appellant shall file an amended notice of

- appeal on or before the 4th day of December 2015.
4. That the within appeal shall proceed in accordance with Part 62 of the Civil Procedure Rules 2000 (as amended) and that time for compliance with the provisions of CPR 2000 shall run from the date of filing of the amended notice of appeal.
 5. There shall be no order as to costs.

Reason: The appellant and the second-named respondent agreed that the orders contained at paragraph 47 and 61(2) of the decision of Madam Justice Clare Henry dated 26th August 2015 refusing the appellant's application for a declaration of a Quintclose type trust are final in nature.

Case Name: Time Bourke Holdings (Grenada) Limited
v
Issa Nicholas (Grenada) Limited
[GDAHCVAP2015/0029]
(Grenada)

Date: Thursday, 19th November 2015

On paper: **Applicant:** Mr. Ruggles Ferguson (Ciboney Chambers)

Issues: Application for leave to appeal

Result / Order & Reason: IT IS HEREBY ORDERED THAT:
1. The applicant shall file a copy of the order being appealed within 14 days from the date of this order.
2. The application is adjourned to the next Chamber Hearing date scheduled for 17th December 2015.

Reason: The Court noted that the order being appealed was not attached to the notice of application filed on 21st October 2015.

Case Name:

**Velda Lewis
v
Grenada Ports Authority
[GDAHCVAP2011/0024]
(Grenada)**

Date:

Thursday, 19th November 2015

On paper:

Appellant:

Ms. Pauline Hannibal (Hannibal & Duncan Phillip)

Issue:

Application for leave to amend notice of appeal

Result / Order:

**IT IS HEREBY ORDERED THAT:
Leave is granted to amend the notice of appeal in terms
outlined in the notice of application dated 23rd October
2015.**

Reason:

**The Court noted that there was no opposition to the
application.**

Case Name:

**Priscilla Williams
v
Wendell Lee
[MNILTAP2015/0001]
(Montserrat)**

Date:

Thursday, 19th November 2015

On paper:

Applicant:

Mr. Sylvester Carrott

Issue: Application to state case

**Result / Order &
Reason:**

IT IS HEREBY ORDERD THAT:

1. The applicant shall within 14 days of the date of this order provide proof of refusal by the tribunal to state a case.
2. The application is adjourned to the next Chamber Hearing scheduled for 17th December 2015.

Case Name:

**Elton Andrews
v
The Commissioner of Police**

**[SVGMCRAP2015/0046]
(Saint Vincent and the Grenadines)**

Date: Thursday, 19th November 2015

On paper:

Applicant: In person

Issue: Application for extension of time to appeal

**Result / Order &
Reason:**

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 on or before 30th November 2015.
2. The application is adjourned to the next Chamber Hearing scheduled for 17th December 2015.

Case Name:

**Lorraine A. Cato
v
Gracelyn Cloreth Cato nee Peters**

**[SVGHCVAP2015/0019]
(Saint Vincent and the Grenadines)**

Date: Thursday, 19th November 2015

On paper:

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

Issue: Application for extension of time to appeal

Result / Order & Reason:

IT IS HEREBY ORDERED THAT:

1. The applicant shall provide proof of service of the application and supporting documents on the respondent on or before 30th November 2015.
2. The application is adjourned to the next Chamber Hearing scheduled for 17th December 2015.

Case Name:

**Garvey Solomon
v
The Commissioner of Police**

**SVGMCRAP2015/0035]
(Saint Vincent and the Grenadines)**

Date: Thursday, 19th November 2015

On paper:

Applicant: In person

Issue: Application for extension of time to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for extension of time is granted.
2. The applicant is granted leave to appeal the sentence imposed on him by the learned magistrate.
3. The applicant shall file a notice of appeal within 14 days of the date of this order.

Reason: The Court noted that there was no opposition to the application by the Director of Public Prosecution.

Case Name: Andrew Harry
v
The Commissioner of Police
[SVGMCRAP2015/0036]
(Saint Vincent and the Grenadines)

Date: Thursday, 19th November 2015

On paper:
Applicant: In person

Issue: Application for extension of time to appeal

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

Reason: The Court noted that there was no opposition to the application by the Director of Public Prosecution.

Case Name: Leroy Haynes
v
The Commissioner of Police
[SVGHCRAP2013/0028]
(Saint Vincent and the Grenadines)

Date: Thursday, 19th November 2015

On paper:

Applicant: In person

Issue: Application to add further grounds of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The appeal is adjourned to the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing Monday 18th April 2015 for case management in order for the Court to deal with the matter of assignment of legal aid to the appellant.

Reason: The Court noted that there was no opposition to the application by the Director of Public Prosecution. The Court also noted that the applicant was convicted of murder and the need for counsel to be assigned to the applicant. The court was of the view that counsel when assigned would be in a position to draft the further grounds of appeal.

Case Name: Marlon Deterville
v
The Commissioner of Police
[SVGMCRAP2014/0053]
(Saint Vincent and the Grenadines)

Date: Thursday, 19th November 2015

On paper:

Applicant: In person

Issue: Application to add further grounds of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application to amend the notice of appeal is refused.

Reason: The Court was of the view that the purported amended grounds were included in the grounds filed on 12th August 2014.

Case Name: **Romando Rodriguez**
v
The Commissioner of Police
[SVGMCRAP2015/0047]
(Saint Vincent and the Grenadines)

Date: Thursday, 19th November 2015

On paper:
Applicant: In person

Issue: Application for extension of time to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for extension of time dated 14th August 2015 is granted.
2. The applicant shall file a notice of appeal within 14 days of the date of this order.

Reason: The Court noted that there was no opposition to the application by the Director of Public Prosecution.

Case Name: **Rasheed Watson**
v
The Commissioner of Police
[SVGMCRAP2015/0047]

(Saint Vincent and the Grenadines)

Date: Thursday, 19th November 2015

On paper:

Applicant: In person

Issue: Application for extension of time to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for extension of time to file a notice of appeal is granted.**
- 2. The applicant shall file a notice of appeal within 14 days of the date of this order.**

Reason: The Court noted that there was no opposition to the application by the Director of Public Prosecution.

Case Name:

**East Caribbean Flour Mills Limited
Caricom Rice Mills Limited**

v

**Peter Alexander
Geoffrey Gregory
Floyd Patterson
Marcus Hatch
Philip Atkinson
Stephen Jardine
Michael Boyce
Douglas Newsam
Davide Lisle Chase
Lindel Nurse
Colin Dathorne
Grenville Phillips
Joyce Dear
Kieron Pinard-Bryne
Wayne Fields
Harold Tryhane**

[SVGHCVAP2015/0020]
(Saint Vincent and the Grenadines)

Date: Thursday, 19th November 2015

On paper:

Applicant: Mr. Lorenze Alvin Douglas Williams in association with Mr. Barry L.V. Gale, QC and Ms. Leodean Worrell

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant shall file with the Court a complete copy of the order/decision of Master Taylor-Alexander dated 21st October 2015.
2. The application is adjourned to the next Chamber hearing scheduled for 17th December 2015.

Reason: The court noted that the order/decision in respect of which the application was made was not attached in its entirety to the application.

Case Name: Andre John
v
The Queen

[SVGHCRAP2015/0008]
(Saint Vincent and the Grenadines)

Date: Thursday, 19th November 2015

On paper:

Applicant: In person

Issue: Application for extension of time to appeal

Result / Order & Reason: IT IS HEREBY ORDERED THAT:
1. The Registrar of the High Court shall provide the

Court and the applicant a copy of the certificate of conviction and sentence of the applicant on or before 30th November 2015.

2. The application is adjourned to the next chamber hearing scheduled for 17th December 2015.

Case Name:

Dwayne Stephens

v

The Queen

[SVGHCRAP2015/0007]

(Saint Vincent and the Grenadines)

Date:

Thursday, 19th November 2015

On paper:

Applicant:

In person

Issue:

Application for extension of time to appeal

**Result / Order &
Reason:**

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide the Court and the applicant a copy of the certificate of conviction and sentence of the applicant on or before 30th November 2015.
2. The application is adjourned to the next chamber hearing scheduled for 17th December, 2015.

Case Name:

Alaskie Samuel

v

The Commissioner of Police

[SVGMCRAP2015/0048]

(Saint Vincent and the Grenadines)

Date: Thursday, 19th November 2015

On paper:

Applicant: In person

Issue: Application for extension of time to appeal

**Result / Order &
Reason:**

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall serve the application for an extension of time to appeal on the Director of Public Prosecutions on or before 27th November 2015.
2. The registrar shall provide the Court, the Director of Public Prosecutions and the applicant with a copy of the Certificate of Conviction and sentence on or before 2nd December 2015.
3. The Director of Public Prosecutions may file a response to the application on or before 10th December 2015.
4. The application is adjourned to the next chamber hearing scheduled for 17th December 2015.

Case Name:

Kimron Neverson

v

The Queen

[SVGHCRA2015/0009]

(Saint Vincent and the Grenadines)

Date: Thursday, 19th November 2015

On paper:

Applicant: In person

Issues: Application for extension of time to appeal

**Result / Order &
Reason:**

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court shall provide the Court and the applicant a copy of the certificate of

conviction and sentence of the applicant on or before 30th November, 2015.

2. The application is adjourned to the next chamber hearing scheduled for 17th December 2015.

Case Name: **Clico International Life Insurance Limited
(Under Judicial Management)**

v

Deldridge Flavius

**[SLUHCVAP2014/0029]
(Saint Lucia)**

Date: **Thursday, 19th November 2015**

On paper:

Applicant: **Ms. Renee T. St. Rose (Peter I. Foster & Associates)**

Respondent: **Mr. Horace Fraser (Fraser & Company)**

Issue: **Application for extension of time to file record of appeal**

Result / Order: **IT IS HEREBY ORDERED THAT:
The applications are set down for hearing before the Full Court at the next sitting of the Court of Appeal in the state of Saint Lucia during the week commencing 8th February 2015.**

Case Name:

[1] Stephen Delaire

[2] Brian Delaire

[3] Lorraine Delaire

All by their duly constituted Attorney Larie Dulaire

[SLUHCVAP2015/0025]

(Saint Lucia)

Date: Thursday, 19th November 2015

On paper:

Applicant: Mr. Gerard Williams (The Law Offices of Gerard R. Williams)

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

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERD THAT:

1. The applicant shall file the order of inhibition dated 4th November 2013 on or before 30th November 2015.
2. The matter is adjourned to the next Chamber Hearing scheduled for 17th December 2015.

Reason: The Court noted that order of inhibition of 4th November 2013 was not attached to the notice of application.

Case Name:

Jane Moore

v

[1] Hermdrew Quality Construction Company Ltd

[2] Herman St. Helen

[3] Andrew Anthony Skelly

[SLUHCVAP2015/0021]

(Saint Lucia)

Date: Thursday, 19th November 2015

On paper:

Applicant: In person

Issue: Application for extension of time to file notice of appeal
– Application for stay of execution

Result / Order: **IT IS HEREBY ORDERED THAT:**
The application for extension of time to file a notice of appeal is dismissed.

Reason: **The Court noted the order of Baptiste JA dated 22nd September 2015 and Webster JA dated 20th October 2015 and that the applicant had not complied with the said orders. The Court further noted that the orders were served on the Chambers of Mr. Jeannot Michel Walters on 2nd November 2015 respectively which is the address of service of the applicant.**

Case Name: **Eldora Hodge**
v
Vincent Buckley
[SKBHCVAP2015/0016]
(Federation of Saint Christopher and Nevis)

Date: **Thursday, 19th November 2015**

On paper:

Respondent / Applicant:	Ms. Angelina Gracy Sookoo (Law Offices of Sylvester Anthony)
Appellant / Respondent:	Mr. Nassibou Butler (Butler, Butler & Butler)

Issue: **Application to strike out interlocutory appeal – Failure to obtain leave to appeal**

Result / Order: **IT IS HEREBY ORDERED THAT:**

- 1. That the application to strike out the notice of appeal filed on 3rd July 2015 is granted and the said notice of appeal is struck out as being a nullity, the same having been filed without the leave of the Court.**
- 2. Costs to the respondent in the sum of \$1000.00.**

Reason: The Court noted that the order being appealed is an interlocutory order and as such leave of the Court is required to appeal in accordance with section 33(3)(g) of the *Eastern Caribbean Supreme Court (Saint Christopher and Nevis) Act* Cap. 3:11, Laws of Saint Christopher and Nevis 2002 and that no such leave was obtained.

Case Name: The Attorney General of St. Christopher and Nevis
v
[1] Caribe (Realties) Canada Limited
[2] Betts Realty Limited
[SKBHCVAP2015/0025]
(Federation of Saint Christopher and Nevis)

Date: Thursday, 19th November 2015

On paper:

Applicant:	Mr. DeLara MacClure Taylor (Attorney General's Chambers)
Respondent:	Ms. Elizabeth Harper (Daniel, Brantley & 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 the next sitting in the Federation of St. Kitts and Nevis during the week commencing 6th June 2016.

Case Name: Judith Ann Bruton Titley
v
First Fidelity Deposit Corporation

**Andrew Michael Austin Titley
Caribbean Trust Company (Nevis) Ltd.**

**[SKBHCVAP2015/0014]
(Federation of Saint Christopher and Nevis)**

Date: Thursday, 19th November 2015

On paper:

Applicant: Ms. Myrna R. Walwyn & Associates

Issue: Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Chief Registrar shall bring to the attention of the Registrar of the High Court the orders of the Court made on 24th July 2015, 24th September 2015 and 20th October 2015.**
- 2. The Registrar of the High Court shall provide written reasons for her failure to comply with the Order of the Court within 7 days of being notified by the Chief Registrar of the aforementioned orders of the Court.**
- 3. The application is adjourned to the next Chamber Hearing scheduled for 17th December 2015.**

Reason:

The Court noted that the Registrar of the High Court had not complied with paragraph one of the orders of Thom, JA, Blenman JA and Webster JA dated 24th July 2015, 22nd September 2015 and 20th October 2015, respectively

Case Name:

Junior McFarlane

v

Desdemona Henry

**[SKBMCVAP2015/0005]
(Federation of Saint Christopher and Nevis)**

Date: Thursday, 19th November 2015

On paper:

Applicant: Ms. Natasha S. Grey (Chelsey O. Hamilton & Associates)

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

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

Reason: The Court noted that while the delay was lengthy, there was a good explanation for the delay, there was a realistic prospect of success and there was no evidence of prejudice to the respondent if the application was granted. The Court also noted that there was no opposition to the application.

Case Name: Adam Bilzerian
v
Gerald Lou Weiner
Kathleen Weiner

[SKBHCVAP2015/0018]
(Federation of Saint Christopher and Nevis)

Date: Thursday, 19th November 2015

On paper:

Applicant: Dr. Dennis Merchant (Merchant & Associates)

Issue: Application for leave to appeal

Result / Order & Reason: IT IS HEREBY ORDERED THAT:
1. The appeal having been discontinued is accordingly dismissed.
2. The appellant shall pay the respondents costs

**pursuant to Part 65 of the Civil Procedure Rules 2000
if not agreed within 21 days.**

Case Name:

Frank Bunbury

v

Mike Bontiff

[BVIMCVAP2015/0003]

(Territory of the Virgin Islands)

Date:

Thursday, 19th November 2015

On paper:

Applicant: Rosan Law

Respondent Maximea & Co. Law Chambers

Issues:

**Application for extension of time to file notice of appeal
– Application to adduce additional/ fresh evidence**

Result / Order:

IT IS HEREBY ORDERED THAT:

**The application is set down for hearing before the Full
Court at the next sitting in the Territory of the Virgin
Islands commencing on 11th January 2016.**

Reason:

The Court acted pursuant to CPR 62.2(5).

Case Name:

Ming Shui Sum, Lawrence

v

[1] Ming Shui Hung, Ronald

[2] Shaw Siu Kuen, Bertha

[3] Ming Shiu Tong

v

**J.F. Ming Inc.
[BVIHCMAP2015/0016]
(Territory of the Virgin Islands)**

Date: Thursday, 19th November 2015

On paper:

Applicant:	Mr. Paul Chaisty, QC and Mr. Richard Evans (Conyers Dill & Pearman)
Respondent	Mr. Christopher Parker, QC, Ms. Claire Goldstein and Mr. Stuart Cullen (Harney Westwood & Riegels)

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 the next sitting in the Territory of the Virgin Islands commencing on 11th January 2016.

Reason: The Court noted the respondents' statement of why permissions should be refused, dated 18th November, 2015. The Court also noted the applicant's response note filed 19th November 2015 and acted pursuant to CPR 62.2(5).

Case Name: Thornton Smith Trust Corporation
v
T-Tobba Company Limited.

**[BVIHCVAP2015/0015]
(Territory of the Virgin Islands)**

Date: Thursday, 19th November 2015

On paper:

Applicant:	Mr. Jamal Smith (Thornton Smith)
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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 the next sitting in the Territory of the Virgin Islands commencing on 11th January 2016.

Reason: The Court acted pursuant to CPR 62.2 (5)

Case Name: Ivan Gumbs
v
Tara Ladonna Matthias
[BVIHCVAP2015/0001]
(Territory of the Virgin Islands)

Date: Thursday, 19th November 2015

On paper: Respondent / Applicant: Ms. Marie-Lou D. Creque (SCA Creque)

Issue: Application for leave to file additional grounds of appeal and for relief from sanctions

Result / Order: IT IS HEREBY ORDERED AND DIRECTED THAT:
1. The application for leave to file the additional grounds outlined in paragraphs 2(i)-(vii) is granted.
2. The record filed on 9th September 2015 is deemed properly filed.

Reason: The Court noted that there was no opposition to the application filed by the respondent.

Case Name:

Play La Inc.

v

- [1] Swiss Science Com Co Ltd.**
- [2] Deep Blue Exploration Co Ltd.**
- [3] JSM Capital Management Inc.**
- [4] Symphony Bowl Holdings Ltd.**
- [5] HK Electronics Co. Ltd.**
- [6] Wales Wealth Management Co Ltd.**
- [7] Marlowe Management Co Ltd.**
- [8] Digital World Resources Inc.**
- [9] Harmony Ridge Holdings Ltd.**
- [10] Geoffrey Cairns**
- [11] Kenneth Mages**
- [12] Secure One Corporation**

**[BVIHCMAP2015/0008]
(Territory of the Virgin Islands)**

Date:

Thursday, 19th November 2015

On paper:

Applicant: Mr. Jonathan Addo (Harney Westwood & Riegels)

Respondents: Mr. Andrew Wanambwa (Ogier)

Issue:

Application for security for costs.

**Result / Order &
Reason:**

BY CONSENT IT IS HEREBY ORDERED THAT:

- 1. The appeal is discontinued.**
- 2. There shall be no order as to costs.**

Case Name:

**Glen Henley
(Trading as Cane Garden Bay Pleasure and
Water Sports Equipment)**

v
Poco Loco Enterprises Incorporated (A Delaware Corporation)

[BVIHCVAP2015/0007]
(Territory of the Virgin Islands)

Date: Thursday, 19th November 2015

On paper:

Applicant: Mr. David A. Penn

Respondent: Mr. Daniel Mitchell (Forbes Hare)

Issues: Application for extension of time to appeal – Application for relief from sanctions – Application for stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:
The application is set down for hearing before the Full Court at the next sitting in the Territory of the Virgin Islands commencing on 11th January 2016.

Case Name:

[1]Mark Byers
[2] Mark McDonald
(as Joint Liquidators of the above-named company)
[3] Pioneer Freight Futures Company Limited (In Liquidation)

v
Chen Ningning
(Also Known as Diana Chen)

BVIHCVAP2015/0011]
(Territory of the Virgin Islands)

Date: Thursday, 19th November 2015

On paper:

Applicant: Mr. Matthew Freeman (Lennox Paton)

Respondent: Mr. Ian Mann (Harney Westwood & Riegels)

Issue: Application for fixed date hearing

**Result / Order &
Reason:**

IT IS HEREBY BY CONSENT ORDERED THAT:

1. The appeal hearing be fixed for a period of two days commencing 11th January 2016 and concluding on 12th January, 2016.
2. Costs in the appeal.

Case Name:

**Antonio Stoutt
v
The Commissioner of Police**

**BVIMCRAP2015/0006]
(Territory of the Virgin Islands)**

Date: Thursday, 19th November 2015

On paper:

Applicant: Mr. David A Penn

Issue: Application for bail pending appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The applicant is granted bail pending the determination of the appeal in the sum of \$15,000.00 with two sureties.

Reason:

The court was of the view that the applicant showed exceptional circumstances and that there was a reasonable prospect of success of the appeal. The court also noted that there was no opposition by the Director of Public Prosecutions.

Case Name: **Richardson Fontane**
v
The State
[DOMHCRAP2015/0007]
(Commonwealth of Dominica)

Date: **Thursday, 19th November 2015**

On paper:
Applicant: **Ms. Dawn Yearwood-Stewart**

Issue: **Application for leave to appeal**

Result / Order & Reason: **IT IS HEREBY ORDERED THAT:**
1. The application for leave to appeal filed on 20th October 2015 is granted.
2. The notice of appeal filed on 20th October 2015 is deemed to be properly filed.

Before: **The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal**

Case Name: **Hilroy Humphreys**
v
Ian Peters
[ANUHCVP2011/0031]
(Antigua and Barbuda)

Date: **Thursday, 19th November 2015**

On paper:
Applicant: **Rhudd & Associates**

Issue: **Application for extension of time to file record of appeal**

Result / Order:

IT IS ORDERED THAT

- 1. The application for extension of time to file the record of appeal is granted.**
- 2. The time for filing of the record of appeal be extended to 10 days from the date of this order.**
- 3. No order as to costs.**

Reason:

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