

CHAMBER HEARING

September 2015

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mde. Louise Esther Blenman, 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 Catherine Fleming, deceased)

**[AXAHCVP2015/0006]
(Anguilla)**

Date: Thursday, 24th September 2015

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

Issues: Application for leave to appeal – Application for stay of execution – Application for security for costs – Application for relief from sanctions

Result / Order: IT IS HEREBY ORDERED THAT:

1. Leave is granted to the applicant to appeal the order of Mathurin J made on 9th June 2015.
2. The applicant shall file the notice of appeal within 21 days of this order.
3. The appeal shall thereafter proceed in accordance with CPR 2000.
4. The applicant shall serve the notice of application for the stay of execution and for the interim remedy on the respondent within 7 days of this order.
5. The applicant shall also serve the respondent with written submissions in support of the application within 7 days of this order.
6. The respondent shall file and serve the affidavit in

response and legal submissions within 14 days of service of the application together with supporting documents.

7. The notice of application for relief from sanctions filed on 16th September 2015 is granted.
8. The time for filing the order be extended to 16th September 2015 and the order is deemed properly filed.
9. The applications are adjourned for further consideration at the next chamber hearing scheduled for 20th October 2015.

Reason:

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

Case Name:

[1] Jenny Lindsay
[2] Jenny Lindsay & Associates
v
Thomas Edward Carty

[AXAHCVP2015/0007]
(Anguilla)

Date:

Thursday, 24th September 2015

On paper:

Applicants:	Ms. Jenny Lindsay (Jenny Lindsay & Associates)
Respondent:	Ms. Yanique L. Stewart (J.A.G. GUMBS & Co.)

Issue:

Application for extension of time to file notice of appeal – Application for leave to appeal – Application for stay of execution – Application for relief from sanctions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The application for extension of time to file the notice of appeal from the order of Corbin-Lincoln M is refused.

2. The application for leave to appeal from the Order of Glasgow M is granted.
3. The applicant is granted 21 days leave to file and serve the notice of appeal together with skeleton arguments.

Reasons:

The Court was of the view that the applicants had failed to satisfy the threshold requirements for the Court to exercise its discretion to grant an extension of time to appeal against the order of Corbin-Lincoln M. However, the Court was satisfied that the applicant had met the threshold requirements for the grant of leave to appeal against the order of Glasgow M.

Case Name:

**Levi Maximea
Lucy Maximea**

v

**The Dominica Agricultural, Industrial and
Development Bank**

**[DOMHCVAP2015/0017]
(Commonwealth of Dominica)**

Date:

Wednesday, 23rd September 2015

On paper:

Applicants:

In person

Issue:

Application for leave to appeal

Result / Order:

IT IS HEREBY DIRECTED THAT:

The application for leave to appeal is referred to the Full Court for hearing at the next sitting of the Court of Appeal in the Commonwealth of Dominica during the week which commences 9th November 2015.

Reason:

The Court acted in accordance with rule 62.2(5) of the

Civil Procedures Rules 2000.

Case Name:

**Vernon P. Joseph
v
Mizana Wilson
Eddie Wilson**

**[DOMHCVAP2014/0030]
(Commonwealth of Dominica)**

Date:

Tuesday, 22nd September 2015

On paper:

Applicant:

Mr. Anthony J.B. Commodore

Issue:

Application for extension of time to file and serve skeleton submissions and appeal bundles – Application for relief from sanctions

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The applicant shall file and serve skeleton arguments within 7 days of this order.**
- 2. The respondent is granted 14 days leave thereafter to file and serve submissions in response.**
- 3. The application is adjourned for further consideration at the next chamber hearing scheduled for 20th October 2015.**

Reason:

The Court noted that the applicant had failed to comply with Practice Direction 2 of 2008.

Case Name:

**[1] Michael Coipel
[2] Oscar Coipel
[2] Maximin Powell**

v
Simeon Albert

[DOMHCVAP2015/0015]
(Commonwealth of Dominica)

Date: **Thursday, 24th September 2015**

On paper:
Appellants / **Dyer & Dyer for the first and second appellants**
Applicants:

Issue: **Application to be removed record as solicitor**

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

- 1. The applicant shall personally serve the first and second named appellants with a copy of the application together with a copy of this order within 7 days of this order.**
- 2. The applicant shall serve counsel for the respondent with a copy of this order within 7 days of this order.**
- 3. The applicant shall thereafter furnish this Court with proof of service.**
- 4. The application is adjourned for further consideration at the next chamber hearing scheduled for 20th October 2015.**

Reason: **The Court noted that the applicants had failed to provide proof of service of the application.**

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

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

Date: Thursday, 24th September 2015

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

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED AND DIRECTED THAT:
1. The Registrar of the High Court shall obtain from the learned judge the reasons for the decision and forward a copy thereof to this Court within 14 days of this order.
2. The hearing of the application is adjourned for consideration at the next Chamber hearing scheduled for 20th October 2015.

Reason: The Court noted that the Registrar of the High Court had not complied with the order of Thom JA dated 24th July 2015, ordering the Registrar to provide the Court with a copy of the learned judge's reasons for decision.

Case Name: Franklyn Govia
v
The Commissioner of Police

[SKBMCRAP2015/0005]
(Federation of Saint Christopher and Nevis)

Date: Thursday, 24th September 2015

On paper:
Applicant: Hazel Alleyne Law Office

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

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

Reason: The Court noted paragraph 1 of the order of Thom JA dated 24th July 2015, which ordered the applicant to file and serve a supplemental affidavit as had been previously directed by the Court, within 21 days, failure to do so, the application would be struck out. The Court further noted that the applicant had failed to comply with the order and in particular paragraph 1 thereof; accordingly, the application was struck out.

Case Name: Junior McFarlane
v
Desdemona Henry

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

Date: Tuesday, 22nd September 2015

On paper:

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

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

Result / Order & Reason: IT IS HEREBY ORDERED THAT:
1. Unless the applicant files written submissions within 14 days of this order, the application shall stand dismissed.
2. Should the applicant comply with paragraph 1 of this order, the application is adjourned for further consideration at the next Chamber hearing scheduled

for 20th October 2015.

Case Name:

**Adam Bilzerian
v
Gerald Lou Weiner
Kathleen Ann Weiner**

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

Date:

Thursday, 24th September 2015

On paper:

Applicant: Dr. Dennis Merchant (Merchant & Associates)

Issue:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. Leave to file appeal is granted.**
- 2. The applicant shall file and serve a notice of appeal within 21 days of this order.**
- 3. The appeal shall thereafter proceed in accordance with CPR 2000 as amended.**

Reason:

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

Case Name:

**Adam Bilzerian
v
Gerald Lou Weiner
Kathleen Weiner**

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

Date: Thursday, 24th September 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 Registrar of the High Court is directed to obtain from the learned judge the reasons for her decision and to transmit a copy of same to this Court Office within 14 days of this order.
2. Alternatively the Registrar of the High Court is directed to provide this Court with a copy of the order of 17th July 2015 which should indicate the reasons therefor within 14 days of this order.
3. The application is adjourned for further consideration at the next chamber hearing scheduled for 20th October 2015.

Case Name: Edward Hazellwood
v
The Commissioner of Police

[SVGMCRAP2015/0024]
(Saint Vincent and the Grenadines)

Date: Friday, 25th September 2015

On paper:
Appellant: In person

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

**Result / Order &
Reason:**

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High Court is directed to provide the Court Appeal Headquarters with a copy of the charge sheet within 14 days of this order.

2. The matter is adjourned for consideration at the next chamber hearing scheduled for 20th October 2015.

Case Name: **Shannon Richards**
v
The Commissioner of Police
[SVGMCRAP2015/0022]
(Saint Vincent and the Grenadines)

Date: **Friday, 25th September 2015**

On paper:
Applicant: **In person**

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

Result / Order & Reason: **IT IS HEREBY ORDERED THAT:**
1. The Registrar of the High Court is directed to provide the Court Appeal Headquarters with a copy of the Charge Sheet within 14 days of this order.
2. The matter is adjourned for consideration at the next chamber hearing scheduled for 20th October 2015.

Case Name: **Akindor Matthews**
v
The Commissioner of Police
[SVGMCRAP2015/0023]
(Saint Vincent and the Grenadines)

Date: **Friday, 25th September 2015**

On paper:

Applicant:

In person

Issues:

Application for extension of time to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court is directed to provide the Court Appeal Headquarters with a copy of the Charge Sheet within 14 days of this order.**
- 2. The matter is adjourned for consideration at the next chamber hearing scheduled for 20th October 2015.**

Case Name:

James Gordon

v

The Queen

[SVGHCRA2013/0010]

(Saint Vincent and the Grenadines)

Date:

Friday, 25th September 2015

On paper:

Applicant:

In person

Issue:

Application for bail

**Result / Order &
Reason:**

IT IS HEREBY ORDERED AND DIRECTED THAT:

- 1. The Registrar of the High Court shall serve a copy of the letter dated 3rd June 2015 on the Director of Public Prosecutions (DPP) within 7 days of this order.**
- 2. The DPP shall indicate within 14 days of this order whether or not he opposes the renewed application for bail and if opposed, shall file submissions within 21 days of this order.**
- 3. The renewed application is fixed for further consideration at the next chamber hearing scheduled for 20th October 2015.**

Case Name:

Ronald Burnley

v

The Queen

[SVHCRAP2013/0009]

(Saint Vincent and the Grenadines)

Date:

Friday, 25th September 2015

On paper:

Applicants:

In person

Issue:

Application for permission to add new ground of appeal

**Result / Order &
Reason:**

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court is directed to serve a copy of the letter on the Director of Public Prosecutions within 14 days of this order.**
- 2. The matter is fixed for consideration by the Full Court during the next sitting of the Court of Appeal in Saint Vincent and the Grenadines during the week commencing 23rd November 2015.**

Case Name:

Rasheed Watson

v

The Commissioner of Police

[SVGMCRAP2015/0045]

(Saint Vincent and the Grenadines)

Date:

Friday, 25th October 2015

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 directed to provide the Court Appeal Headquarters with a copy of the charge sheet within 14 days of this order.
2. The matter is adjourned for consideration at the next chamber hearing scheduled for 20th October 2015.

Case Name: **Keithroy Franklyn**
v
The Commissioner of Police
[SVGMCRAP2015/0033]
(Saint Vincent and the Grenadines)

Date: **Friday, 25th September 2015**

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 directed to provide the Court Appeal Headquarters with a copy of the charge sheet within 14 days of this order.
2. The matter is adjourned for consideration at the next chamber hearing scheduled for 20th October 2015.

Case Name: **Garvey Solomon**
v
The Commissioner of Police

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

Date: Friday, 25th September 2015

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 directed to provide the Court Appeal Headquarters with a copy of the charge sheet within 14 days of this order.
2. The matter is adjourned for consideration at the next chamber hearing scheduled for 20th October, 2015.

Case Name: Andrew Harry
v
The Commissioner of Police

**[SVGMCRAP2015/0036]
(Saint Vincent and the Grenadines)**

Date: Friday, 25th September 2015

On paper:
Applicant: In person

Issue: Application for appeal extension of time to appeal against conviction and sentence

Result / Order: IT IS HEREBY ORDERED THAT:
1. The Registrar of the High Court is directed to provide the Court Appeal Headquarters with a copy of the Charge Sheet within 14 days of this order.

2. The matter is adjourned for consideration at the next chamber hearing scheduled for 20th October, 2015.

Case Name:

Douglas Anderson

v

[1] The Attorney General

[2] The Chief Immigration Officer

[MNIHCVAP2015/0003]

(Montserrat)

Date:

Tuesday, 22nd September 2015

On paper:

Applicant: Mr. Jean E.H. Kelsick (Kelsick & Kelsick)

Respondents: Ms. Karen Reid

Issue:

Application for leave to appeal

**Result / Order &
Reason:**

IT IS HEREBY ORDERED AND DIRECTED THAT:

1. The applicant shall forward a copy of the judgment referred to above or the order in relation thereto within 14 days of this order.
2. The hearing of the application for leave to appeal is adjourned for further consideration at the next Chamber hearing scheduled for 20th October 2015.

Reason:

The Court noted that the applicant had not furnished the Court with a copy of the judgment that was delivered on 24th July 2015, dismissing the applicant's application for leave to bring a claim of judicial review or an order to that effect.

Case Name:

Cintelia Gertrude Elizabeth Daley

v

The Registrar of Lands

[MNIHCVAP2015/0005]

(Montserrat)

Date:

Tuesday, 22nd September 2015

On paper:

Applicant:

Mr. Sylvester Carrott

Ms. Sheree Jemmotte-Rodney, Principal Crown Counsel

Issues:

Application for extension of time to appeal and to deem application for leave to appeal to have been made in time – Application for leave to appeal – Application to adduce fresh evidence in support of application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The application for extension of time to file the notice of appeal is refused. Consequently no leave to appeal in place.**
- 2. Costs to the respondent fixed in the sum of \$1500.00.**

Reason:

The Court, in deciding whether to exercise its discretion to grant an extension of time considered the principles laid down in *C.O. Williams Construction (St. Lucia) Ltd v Inter-Island Dredging Co. Ltd* SLUHCVAP2011/0017 (delivered 19th March 2012, unreported): (a) length of delay; (b) explanation for the delay; (c) chances of the appeal succeeding; (d) degree of prejudice. Having considered the principles, the Court was of the opinion that the applicant had failed to put forward adequate reasons to persuade the Court to exercise its discretion in its favour.

Case Name: **James Anthony**
(as Personal Representative of the Estate of
Abraham Antony, deceased and Clarita Anthony,
deceased)
v
Eileen Pappone
Lourie Anthony

[BVIHCVAP2012/0038]
(Territory of the Virgin Islands)

Date: **Tuesday, 22nd September 2015**

On paper:

Appellant: **Ms. Charmaine R. Rosan-Bunbury (Rosan Law)**

Respondents: **Mr. Lewis S. Hunte, QC (Hunte & Co. Law Chambers)**

Issues: **Application for relief from sanctions – Application for extension of time**

Result / Order: **IT IS HEREBY ORDERED AND DIRECTED THAT:**
1. The application for relief from sanctions is granted.
2. The applicant is granted extension of time of 28 days within which to comply with the order dated 11th May 2015 and in particular within which to file and serve the skeleton arguments.

Reason: **The Court noted that there was no opposition by the respondents to the appellant's application.**

Case Name: **Earl Hodge**
v
[1] The Commissioner of Police
[2] The Senior Magistrate
[BVIHCVAP2015/0010]
(Territory of the Virgin Islands)

Date: 22nd September 2015

On paper:

Applicant: Mr. Patrick Thompson (PST Law)

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application is fixed for hearing by the Full Court during the week which commences on 28th September 2015.

MATTERS DEALT WITH ON PAPER

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

Case Name: Jonathan David Lesfloris
v
Glenda Dale Lesfloris (nee Henry)

[SLUHCVAP2015/0018]
(Saint Lucia)

Date: Tuesday, 22nd September 2015

On paper:

Applicant: Ms. Wauneen Louis-Harris

Issues: Application for extension of time to file notice of appeal
– Application for extension of time to file and serve skeleton arguments in support of application for stay -
Application to file further affidavit in support of application for stay

Result / Order: IT IS HEREBY ORDERED THAT:

The applications are adjourned for further consideration to the next Chamber Hearing scheduled for Tuesday 20th October 2015.

Reason: The Court noted that the time for the respondent to respond had not expired.

Case Name: Concrete and Aggregates Limited
v
Nationwide Mobile Concrete Supplies Limited
[SLUHCVP2015/0012]
(Saint Lucia)

Date: Tuesday, 22nd September 2015

On paper: **Applicant:** Ms. Shan Greer (Greer & Associates)

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The hearing of the application for leave to appeal the order of Actie M dated 30th April 2015 is adjourned for oral hearing at the sitting of the Court in Saint Lucia during the week commencing 26th October 2015.

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: John Baptiste Mathurin

v
[1] Allison Canii
[2] Leonard Malzaire

[SLUHCVAP2015/0011]
(Saint Lucia)

Date: **Tuesday, 22nd September 2015**

On paper:
Applicant: **Mr. Bryan Stephen (Stephen & Co. Chambers)**

Issue: **Application for leave to appeal – Application for stay of execution – Application to set aside bench warrant**

Result / Order: **IT IS ORDERED THAT:**
The application dated 8th April 2015 for leave to appeal and for a stay of execution of the order of Wilkinson J dated 25th March 2015 and to set aside the bench warrant issued on 25 March 2015 is struck out.

Reason: **The Court noted the orders of the Court dated 26th May 2015 and 29th June 2015; and further noted the unless order of Thom J dated 24th July 2015 ordering that unless the applicant provide proof of service of the application within 14 days the application would be struck out. Having regard to these orders and upon the failure of the applicant to provide proof of service of the application for leave to appeal and for a stay of execution of the order of Wilkinson J dated 25th March 2015 and to set aside the bench warrant issued on 25 March 2015, the Court struck out the 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: Tuesday, 22nd September 2015

On paper:

Applicant: In person

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

Result / Order: IT IS HEREBY ORDERED THAT:

1. The applicant is to serve on the respondent the notice of application for leave to extend time within which to file a notice of appeal against the order of Wilkinson J dated the 27th May 2015 and for a stay of execution of the order along with supporting documents within 7 days of this order.
2. The applicant is to provide proof of service of the application by way of affidavit.
3. A copy of the order in respect of which the application is made is to be furnished to the court within 7 days to this order.
4. The application is adjourned to the next Chamber Hearing scheduled for 20th October 2015.

Reason: The Court noted that there was no proof of service of the application on the respondents.

Case Name: Thomas Ambrose
v
Josephat Small
(trading as Recycle It Inc.)

**[SLUHCVAP2015/0022]
(Saint Lucia)**

Date: Thursday, 24th September 2015

On paper:

Applicant: Ms. Leandra Gabrielle Verneuil (Jennifer Remy & Associates)

Respondent: In person

Issue: Application for leave to appeal – Application for stay of execution – Application for extension of time to comply with Practice Direction No. 3 of 2008 – Application for relief from sanctions

Result / Order:

IT IS ORDERED THAT

1. The respondent is granted an extension of time to comply with practice Direction No. 3 of 2008.
2. The skeleton submissions filed on 10th September, 2015 by the respondent are deemed properly filed.
3. The applicant is granted leave to appeal the order of Master Actie made on the 22nd day of July 2015.
4. The notice of appeal is to be filed within 21 days of this order.
5. The application for a stay of proceedings of the judgment of Master Actie is refused as the evidential threshold for the grant of a stay has not been met.

Reason:

The Court was of the view that the appellant had a realistic prospect of success on appeal, accordingly, leave to appeal should be granted. However, the Court was not of the view that the applicant had met the threshold requirements for the grant of a stay of execution.

Case Name:

Royal St. Lucia Police and Allied Services Co-operative Credit Union Ltd.

v

Albert James

**[SLUHCVP2015/0015]
(Saint Lucia)**

Date: Tuesday, 22nd September 2015

On paper:

Appellant: Mr. Ramón R. Raveneau (Chong & Co.)

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

Issue: Application for stay of execution

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for a stay of execution of the judgment of Belle J is refused.
2. No order as to costs.

Reason: The Court was of the opinion that the affidavit evidence did not meet the required threshold for the grant of a stay.

Case Name: Velda Lewis aka Velda Lewis-Clarke
v
Grenada Ports Authority
[GDAHCVAP2011/0025]
(Grenada)

Date: Tuesday, 22nd September 2015

On paper:

Applicant: In person

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

Result / Order: IT IS ORDERED THAT:
1. The appellant is granted a further extension of time to file the record of appeal.
2. Unless the record of appeal is filed within 30 days of this order, the appeal stands dismissed.

Reason: The Court was satisfied that the applicant had met the

threshold requirements for the grant of an extension of time.

Case Name:

Godwin Bibby

v

[1] Public Service Commission

[2] The Minister of Finance

[3] The Attorney General of Grenada

[GDAHCVAP2015/0022]

(Grenada)

Date:

Thursday, 24th September 2015

On paper:

In person

Applicant:

Issues:

Application for leave to appeal – Alternative application for extension of time to appeal – Application for stay of execution

Result / Order:

IT IS ORDERED THAT:

- 1. The application for leave to appeal the judgment of Gilford J made on 20th March 2015 is granted.**
- 2. The notice of appeal is to be filed within 21 days of this order.**
- 3. The notice of application for a stay of execution of the judgment of Gilford J dated 20th March 2015 is refused.**

Reason:

The Court was satisfied that the applicant had met the threshold requirements for the grant of leave to appeal, however, the Court was of the view that the applicant had not met the threshold requirements for the grant of a stay of execution.

Case Name: **Chambord Development Lot Owners Association
Limited
v
Melinda Rogers**
[GDAHCVAP2015/0017]
(Grenada)

Date: **Thursday, 24th September 2015**

On paper:
Applicant: **Mr. Ashley Bernardine**

Issue: **Application for leave to appeal**

Result / Order: **IT IS ORDERED THAT:**
1. The notice of application for leave to appeal the interlocutory judgment of Aziz J delivered on 30th April 2015 is granted.
2. The notice of appeal is to be filed within 21 days of this order.

Reasons: **The Court was of the view that the applicant had satisfied the requirements for the grant of leave to appeal.**

Case Name: **Leonard St. Bernard
Recia Charles
v
Teamwork Construction**
[GDAHCVAP2015/0019]
(Grenada)

Date: **Thursday, 24th September 2015**

On paper:

Applicants: Mr. Benjamin D. Hood (Justis Chambers)

Issues: Application for leave to appeal – Application for application of leave to appeal to be deemed the notice of appeal

Result / Order: IT IS ORDERED THAT:
1. The application for leave to appeal the order of Gilford J delivered on 11th June 2015 is granted.
2. The applicant is to file a notice of appeal within 21 days 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: Anslem B. Clouden
v
Georges Cohen
[GDAHCVAP2015/0021]
(Grenada)

Date: Tuesday, 22nd September 2015

On paper:
Respondent / Applicant: Mr. James Bristol (Henry, Henry & Bristol)

Issues: Application to strike out grounds of appeal – Application to dismiss appeal

Result / Order & Reasons: IT IS ORDERED THAT
1. The appeal is an abuse of the process of the court in that it is based on grounds of appeal which are already before the Court of Appeal in Appeal No. 39 of 2014 between the parties herein in the same capacities.

2. The matters raised in the grounds of appeal were not issues in the court below on determining the respondent's application filed on 29 March 2012 resulting in the order of 12 June 2014, which is the subject of the appeal.
3. The grounds of appeal disclose no reasonable grounds of appeal in that they were not issues in the court below at the time of making the appealed order.
4. The grounds of appeal are accordingly struck out and the appeal is dismissed.
5. The respondent to the application is to pay the applicant costs of \$750.00.

Case Name:

Joseph Hyacinth

v

Allan Joseph

**[GDAHCVAP2015/0025]
(Grenada)**

Date:

Tuesday, 22nd September 2015

On paper:

Applicant: Mr. Ruggles Ferguson (Ciboney Chambers)

Respondent: Ms. Sabrita Khan-Ramdhani (Ramdhani & Associates)

Issues:

Application for extension of time to appeal – Application for leave to appeal

Result / Order:

IT IS ORDERED THAT:

The application for extension of time be adjourned for an oral hearing of the application before the Full Court at its next sitting in Grenada during the week of 25th January 2016.

Case Name:

**[1] Tom Matthews
[2] Teresia Matthews
v
Linde Antigua Limited**

**[ANUHCVP2015/0020]
(Antigua and Barbuda)**

Date:

Tuesday, 22nd September 2015

On paper:

**Appellants /
Applicants:**

Dr. David Dorsett

Respondent:

Ms. E Ann Henry, QC (Henry & Burnette)

Issue:

Application for stay of execution

Result / Order:

IT IS ORDERED THAT:

- 1. The application for a stay of proceedings in the court below pending the determination of the appeal is granted.**
- 2. Costs of the application be costs in the appeal.**

Reason:

The Court noted that the application was not opposed by the respondent.

Case Name:

Bryon Richards

v

**[1] Glenmore Charles
[2] Marcelle Richards
[3] Ladanski Richards**

**[ANUHCVP2015/0023]
(Antigua and Barbuda)**

Date:

Thursday, 24th September 2015

On paper:

Applicant: Dr. David Dorsett (Watt, Dorsett & Company)

Issue: Application for extension of time to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant is granted an extension of time to appeal against the order of Cottle J dated 15th April 2014.
2. The notice of appeal is to be filed within 21 days of this order.

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

Case Name: Antigua Real Estates Limited
v
Rupert Kenlock
[ANUHC VAP2010/0046]
(Antigua and Barbuda)

Date: Tuesday, 22nd September 2015

On paper:

Appellant / Applicant: Ms. Safiya L. Roberts (Roberts & Co)

Issues: Application for extension of time to file and serve record of appeal – Application for relief from sanctions – Application for substituted service on respondent

Result / Order: IT IS ORDERED THAT:
1. The application for extension of time to file the record of appeal, supplemental record of appeal and written

chronology of events and for relief from sanctions is granted.

2. The record of appeal filed on 11th May 2015 and the supplemental record of appeal and written chronology of events filed on 22nd June 2015 are deemed validly filed.

Reasons:

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

Case Name:

Theodore Francis

v

Damon Francis

**[ANUHCVP2015/0009]
(Antigua and Barbuda)**

Date:

Thursday, 24th September 2015

On paper:

Applicant:

Mr. Jarid A. Hewlett (Watt, Dorsett & Company)

Issue:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The applicant is granted leave to appeal against the order made on 30th March 2015.
2. The notice of appeal is to be filed 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: Melvin Rhymer
v
Clearlie Todman-Brown
[BVIHCVAP2011/0028]
(Territory of the Virgin Islands)

Date: Tuesday, 22nd September 2015

On paper:
Respondent / Applicant: Mr. Jamal S. Smith (Thornton Smith)

Issue: Application for extension of time to file written submissions

Result / Order: IT IS HEREBY ORDERED THAT:
1. The application for an extension of time to file written submissions is granted.
2. The submissions are to be filed and served on the respondent within 14 days of this order.

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

Case Name: [1] Julian Willock
d.b.a. Advanced Marketing and Professional Services
[2] Carmelita Jamieson
v
Hubert O'Neal
[BVIHCVAP2015/0001]
(Territory of the Virgin Islands)

Date: Tuesday, 22nd September 2015

On paper:
Respondent / Applicant: Ms. Elizabeth D. Ryan (McW. Todman & Co.)

Issue: **Application to strike out notice of appeal**

Result / Order & Reason: **IT IS HEREBY ORDERED THAT:**
1. The notice of appeal dated 2nd January 2015 is struck out for failure to file skeleton arguments.
2. The applicant is awarded costs of \$750.00.

Case Name: **Attorney General**
v
Charmaine R. Rosan-Bunbury
[BVIHCVAP2015/0008]
(Territory of the Virgin Islands)

Date: **Tuesday, 22nd September 2015**

On paper:
Respondent / Applicant: **In person**

Issue: **Application for extension of time to file written submissions in opposition to appeal and for relief from sanctions**

Result / Order: **IT IS ORDERED THAT:**
The application is adjourned to the next Chamber hearing scheduled for Tuesday 20th October 2015.

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] SecureOne Corporation

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

Date: Tuesday, 22nd September 2015

On paper:

Applicant: Mr. Nicholas Brookes (Ogier)

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

Issues: Application for costs to be assessed

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The costs ordered by the Court of Appeal on 9th April 2015 to be paid by the claimant/respondent to the defendants/applicants be assessed by a judge or master in chambers.
2. The costs of this application to be paid by the claimant/respondent to the defendants/applicants as assessed by a judge or master in chambers.
3. The interlocutory appeal is referred to the full court for an oral hearing at the sitting of the court in Tortola during the week commencing 28th September 2015.

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 Magee
[12] SecureOne Corporation

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

Date: Wednesday, 23rd September 2015

On paper:
Applicant: Ogier

Issues: Application for matter to be dealt with on paper

Result / Order: IT IS HEREBY ORDERED THAT:
1. The interlocutory appeal referred to the Full Court for an oral hearing at the sitting of the Court in Tortola during the week commencing 28th September 2015 is hereby delisted.
2. The oral hearing of the interlocutory appeal is adjourned to the Full Court sitting of the Court of Appeal in Tortola during the week commencing 11th January 2016.

Case Name: Rasshain Lavacia
v
International Motors Limited

[BVIHCVAP2015/0013]
(Territory of the Virgin Islands)

Date: Tuesday, 22nd September 2015

On paper:

Applicant: Mr. Jamal S. Smith (Thornton Smith)

Respondent: Ms. Tamara Cameron (Farara Kerins)

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

Result / Order: IT IS HEREBY ORDERED THAT:
1. Leave is granted to the applicant to appeal the order of Master Glasgow made on 14th July 2015.
2. The notice of appeal is to be filed within 21 days of this order.
3. The application for a stay of proceedings in Clam No. BVIHCV2015/0047 is refused there being no evidential basis in support of the stay.

The Court was satisfied that the applicant had met the threshold requirements for the grant of leave to appeal, but was not satisfied that the applicant met the requirements for the grant of a stay as there was no evidential basis in support of the stay.

Case Name: SFC Swiss Forfaiting Company Ltd
v
Swiss Forfaiting Ltd

[BVIHCMAP2015/0012]
(Territory of the Virgin Islands)

Date: Thursday, 24th September 2015

On paper:

Applicant: Mr. Jonathan Addo

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant is granted leave to appeal against the

- order of Leon J dated 4th September 2015.
2. The notice of appeal is to be filed 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: Betty Lou Bailey (nee Chalwell)
v
Mark Bailey
[BVIHCVAP2015/0012]
(Territory of the Virgin Islands)

Date: Tuesday, 22nd September 2015

On paper: Applicant: Dancia Penn & Co.

Issue: Application for stay of proceedings

Result / Order: IT IS ORDERED THAT:
The application for a stay of further proceedings and of an order of the High Court made on 30th June 2015 is refused.

Reason: The Court noted that the grant or refusal of a stay calls for the exercise of the court's discretion. The Court further noted that there is a need for cogent evidence in support of a stay and that the evidence has to be full, frank and clear, and that this evidence must go the extent of the risks of injustice which withholding a stay would engage. However, in this application, the Court was of the view that the affidavit evidence was essentially conclusionary and did not meet the requisite threshold for the grant of a stay.