

TELECONFERENCE
COMMONWEALTH OF DOMINICA
Friday, 9th January 2015

APPLICATIONS AND APPEALS

Case Name: Jacqueline Theodore
v
Farah Jackie Theodore
[DOMHCVAP2014/0002]

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

Appearances:

Appellant:	Mr. Lennox Lawrence
Respondent:	Mr. Henry Shillingford

Issues: Civil appeal – Application for leave to withdraw notice of appeal filed on 31st January 2014

Result / Order: [Oral Delivery]
IT IS HEREBY ORDERED THAT:
1. Leave is granted to withdraw the notice of appeal.
2. Costs to the respondent are awarded in the sum of \$750.00.

Case Name: Jacqueline Theodore
v
Farah Jackie Theodore
[DOMHCVAP2014/0003]

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

Appearances:

Appellant: Mr. Lennox Lawrence

**Respondent /
Applicant:** Mr. Henry Shillingford

Issues: Civil appeal – Injunction – Application for stay of execution of order

Result / Order: [Oral Delivery]
IT IS HEREBY ORDERED THAT:
1. The application for a stay is refused.
2. The applicant shall pay the respondent costs in the sum of \$1,000.00.

Reason: The Court, having regard to the applicable principles which the Court should consider on an application for a stay of execution as was outlined in the Court's decision in *Marie Makhoul v Cicely Foster* ANUHCVP2009/0014 and in *Marguerite Desir et al v Sabina James Alcide* SLUHCVP2011/0030, was not satisfied that this was an appropriate case for a grant of stay of execution of the order. The Court was not satisfied that the Estate of Ferdinand Theodore would suffer any ruination. The Estate was paid \$1,569,006.00. In addition, there were other assets of the Estate including several acres of land to which the respondent is entitled to a portion.

The Court was also of the view that there was no risk of injustice to the Estate if the order was complied with. Although paragraph 2 of the order dealt with personal assets of the appellant, the order also stated until further order and paragraph 4 of the order gave liberty to the parties to apply to vary the order.