

CHAMBER HEARING

March 2013

MATTERS DEALT WITH ON PAPER

Before: The Hon. Mr. Mario Michel, Justice of Appeal

Case Name: Myrna Norde
v
Jacqueline Mannix

**[High Court Civil Appeal No. 38 of 2012]
(Antigua and Barbuda)**

Date: Thursday, 21st March 2013

On paper:

Applicant / Intended Appellant:	Mr. Ralph A. Francis
Respondent:	Marshall & Co.

Issue: Application for leave to appeal

Result / Order / Reason: IT IS HEREBY ORDERED THAT:
The matter be adjourned to next chamber hearing day to facilitate compliance with order of Baptiste JA made on 21st February 2013.

Case Name: Stanford Development Company Limited
v
Stanford International Bank Ltd. (In Liquidation)
(Acting by and through its joint liquidators Marcus A. Wilde and Hugh Dickson)

**[High Court Civil Appeal No. 3 of 2013]
(Antigua and Barbuda)**

Date: Thursday, 21st March 2013

On paper:

**Applicant / Intended
Appellant:** Marshall & Co.

Respondent: Nicolette M. Doherty

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

Result / Order: IT IS HEREBY ORDERED THAT:
The hearing of the application is adjourned for hearing by the Full Court in Antigua & Barbuda scheduled for the week commencing 24th June 2013.

Reason: The Court was minded to refuse leave; therefore it acted in accordance with CPR 62.2(5).

Case Name:

[1] Kyle David
v
[1] Attorney General of the Commonwealth of
Dominica
[2] Oscar George
[3] Josiah Cornelius
[4] Egbert Charles

**[High Court Civil Appeal No. 4 of 2013]
(Dominica)**

Date: Thursday, 21st March 2013

On paper:

Applicant / Intended Appellant: Dyer & Dyer

Respondent: Ms. Tameka Hyacinth

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application is adjourned for hearing before the Full Court sitting in the Commonwealth of Dominica scheduled during the week commencing 8th April 2013.

Reason: Counsel for the appellant requested an adjournment in the matter.

Case Name:

[1] Anthony Burnette-Biscombe
[2] Orlando Allan Richards
[3] Kieron Pinard-Byrne
[4] Sophie Nassief
[5] Norman Pennycook
[5] Yvor Nassief
v
[1] Michael F. Fadelle
[2] Trevor Burton
[3] Richard Green

[High Court Civil Appeal No. 1 of 2013]
(Dominica)

Date: Thursday, 21st March 2013

On paper:

Applicant / Intended Appellant: Noelize N. Knight Didier

Issue: Application for leave to appeal

Result / Order: IT IS HEREBY ORDERED THAT:
1. The applicant is to file and serve on or before the 28th March 2013 the following documents:
(i) The claim form and statement of case;
(ii) the application to strike out the claim;
(iii) the affidavits and other documents that were before the learned judge in support of the application to strike out the claim.
2. The matter is adjourned to the Full Court sitting in Dominica during the week commencing 8th April 2013.

Case Name: Marcella Pierre
v
Phillip Sampson

[Magisterial Civil Appeal No. 2 of 2012]
(Dominica)

Date: Thursday, 21st March 2013

On paper:
Appellant: Elijah Law Chambers
Respondent: Dyer & Dyer

Issue: Application to strike out notice of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application is adjourned to the Full Court sitting in Dominica during the week commencing 8th April 2013.

Reason: The Court was mindful that the Full Court sitting in

Dominica preceded the next chamber hearing and in keeping with the overriding objective to deal with matters expeditiously decided to adjourn the matter to the Full Court.

In addition, there was no evidence of compliance with the order of Baptiste J dated 21st February 2013 which directed that the respondent is to file and serve submissions in reply on or before 11th March 2013.

Case Name:

[1] Francis St. Romain

[2] Kenrick Yearwood

v

**[1] Louis Copiel C/O Customs and Excise
Division**

**[Magisterial Civil Appeal No. 7 of 2013]
(Dominica)**

Date:

Thursday, 21st March 2013

On paper:

Appellant:

Dyer & Dyer

Respondent:

Director of Public Prosecutions office

Issue:

Application for extension of time to file appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar is to furnish evidence of service of the notice of hearing on the respondent.**
- 2. The matter is adjourned to the Full Court sitting in the Commonwealth of Dominica schedule during the week commencing 8th April 2013.**

Reason:

There was no evidence of service of the notice of hearing on the respondent.

Case Name:

**[1] Francis St. Romain
[2] Kenrick Yearwood
v
[1] Louis Copiel C/O Customs and Excise
Division**

**[Magisterial Civil Appeal No. 8 of 2013]
(Dominica)**

Date:

Thursday, 21st March 2013

On paper:

Appellant: Dyer & Dyer

Respondent: Director of Public Prosecutions office

Issue:

Application for extension of time to file appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The Registrar is to furnish evidence of service of the notice of hearing on the respondent.**
- 2. The matter is adjourned to the Full Court sitting in the Commonwealth of Dominica schedule during the week commencing 8th April 2013.**

Reason:

There was no evidence of service of the notice of hearing on the respondent.

Case Name:

**[1] Mary Chapman
[2] Dudley Dyett Personal Representative of
the Estate of Susannah Dyett
v**

**[1] Mary Cassarin
[2] Registrar of Lands**

**[High Court Civil Appeal No. 2 of 2009]
(Montserrat)**

Date: Thursday, 21st March 2013

On paper:

Appellant: Allen Markham & Associates

Respondent: Ms. Marcelle E.M. Watts

Issues: Application to strike out appeal – Application for leave to withdraw appeal

**Result / Order /
Reason:**

IT IS HEREBY ORDERED THAT:

1. Leave is granted to withdraw the notice of appeal filed on 8th May 2009 and the appeal is accordingly dismissed.
2. Costs to the respondents to be agreed and if not, to be assessed within 21 days of the order.

Case Name:

**[1] David Bray
[2] Caroline Bray
[3] Mark Stewart Hutton
[4] Henry Magrill
[5] Rachel Magrill
[6] Ermanno Zanghirella
[7] Mirella Strbac
[8] Gerald Irwin
[9] Bruce Anthony Gill
[10] Donald James Scarborough
[11] Betty Jane Scarborough
[12] Adrian Chappell
[13] Stephanie Chappell
[14] Sandeep Bhatia**

[15] Alastair Quinn Taylor
[16] Nichola Quinn Taylor
[17] James Mc. Dougall
[18] Angella Mc. Dougall
[19] Julian Bernard Nutbrown
[20] Natalie Ann Nutbrown
[21] John Jackson Miller
[22] Stuart Sells
[23] Ann Sells
[24] William Rose
[25] Jane Rose
[26] Sean David McMurran
[27] Jane Emma Louise McMurran
[28] Lawrence Bailey
[29] Latchmie Bailey
[30] David Rushmer
[31] Linda Carey-Rushmer
[32] Graham Fender
[33] Elizabeth Fender
[34] William Burt
[35] Jennifer Thompson

v

[1] Sunset Village Inc. (in Liquidation)
[2] First Caribbean International Bank
(Barbados) Limited
[3] Oliver Jordan (Liquidator)

[High Court Civil Appeal No. 4 of 2013]
(Saint Lucia)

Date: Tuesday, 19th March 2013

On paper:

Appellant: Mr. Thaddeus Antoine

Respondent: Peter I. Foster & Associates

Issue: Application for stay of execution of order dated 8th
November 2012

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for stay of execution of the order dated 8th November 2012 is referred to the Full Court for hearing at the sitting of the Court in Saint Lucia on Monday, 25th March 2012.

Case Name:

**[1] Planviron (Caribbean Practice) Limited
[2] Rodney Bay Marina Limited
v
[1] Ferdinand James**

**[High Court Civil Appeal No. 5 of 2013]
(Saint Lucia)**

Date:

Thursday, 21st March 2013

On paper:

**Applicant / Intended
Appellant: Floissac, Fleming & Associates**

Respondent: Greene Nelson & Associates

Issue:

Application for leave to appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The application for leave to appeal is granted.

Case Name:

**The Attorney General of Saint Lucia
v
Kaim Sexius**

**[High Court Civil Appeal No. 34 of 2012]
(Saint Lucia)**

Date: Thursday, 21st March 2013

On paper:

Appellant: Attorney General's Chambers

Respondent: Mr. Andie George and Mr. Ermin Moise

Issues: Application for summary appeal – Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The parties are to file with the Court of Appeal a memorandum of agreed facts on or before the 10th day of April 2013 as well as the specific issues of law to which the appeal relates.
2. The appellant shall file and serve submissions with authorities in support within 14 days of filing of the memorandum of agreed facts.
3. The respondent shall file and serve submissions and authorities in reply within 14 days of service by the appellant.
4. The appellant shall file and serve submissions in response, if any, within 7 days of service by the respondent.
5. The matter will thereafter be determined on paper by a single judge.

Case Name: [1] Mc Connie Yammie and Company Limited
v
[1] Richard Williams
[2] Lexart Inc.
[3] Olin B. Dennie

[High Court Civil Appeal No. 3 of 2010]
(Saint Vincent and the Grenadines)

Date: Thursday, 21st March 2013

On paper:

Appellant: Mr. Emery Robertson, Snr.

Respondent: Mr. Parnel R. Campbell, QC

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

Result / Order: IT IS HEREBY ORDERED THAT:
1. The notice of appeal filed on 22nd April 2010 is hereby struck out and the appeal is accordingly dismissed.
2. The appellant is to pay costs in the sum of \$2000.00 to the respondents within 21 days of today's date.

Reason: The Court noted the inordinate delay (in excess of 2 years) of the appellant in applying for an extension of time to file the record of appeal and the unsatisfactory explanation given for the delay.

Case Name: Cally Lowman
v
The Queen

[High Court Criminal Appeal No. 28 of 2012]
(Saint Vincent and the Grenadines)

Date: Thursday, 21st March 2013

On paper:

Appellant: In person

Respondent: Director of Public Prosecutions

Issue: Application to amend grounds of appeal

Result / Order: IT IS HEREBY ORDERED THAT:

Leave is granted to amend the grounds of appeal.

Case Name:

**[1] Bradley Davis
[2] Lex Clayton Davis
v
[1] Doreen Leslie**

**[High Court Civil Appeal No. 2 of 2013]
(Saint Vincent and the Grenadines)**

Date:

Thursday, 21st March 2013

On paper:

Appellant: Mr. Emery Robertson, Snr.

Respondent: Williams and Williams

Issue:

Application to review orders of court

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The time for filing and service of submissions and authorities by appellants/applicants is extended to 5th April 2013.**
- 2. The time for filing and service of submissions and authorities by the respondent is extended to 19th April 2013.**
- 3. The request by the appellants/applicants for stay of judgement should be made by the Court in writing in accordance with part 11 of the CPR.**
- 4. The hearing of the application is adjourned to the Full Court sitting in Saint Vincent during the week commencing 27th May 2013.**

Reason:

Counsel indicated to the Court via email that the order of Baptiste JA was received after the date by which the submissions and authorities were to be filed and served.

Case Name:

**[1] Dwen Jones
v
[1] Shunette Thompson
[2] Ronisha Foyle
[3] Laticia Foyle**

**[High Court Civil Appeal No. 9 of 2012]
(Saint Vincent and the Grenadines)**

Date:

Thursday, 21st March 2013

On paper:

Appellant:

Mr. Grant Connell

Respondent:

Marks & Associates

Issue:

Application to strike out notice of appeal

Result / Order:

**IT IS HEREBY ORDERED THAT:
The application is adjourned to the next chamber
hearing date on 29th April 2013 to facilitate
compliance with CPR 2000 and relevant Practice
Directions.**

Reason:

The Court noted that the appellant was short served.

Case Name:

**Dwen Jones
v
Natasha Charles**

**[High Court Civil Appeal No. 9A of 2012]
(Saint Vincent and the Grenadines)**

Date: Thursday, 21st March 2013

On paper:

Appellant: Mr. Grant Connell

Respondent: Marks & Associates

Issue: Application to strike out notice of appeal

Result / Order:

IT IS HEREBY ORDERED THAT:

The application is adjourned to the next chamber hearing date on 29th April 2013 to facilitate compliance with CPR 2000 and relevant Practice Directions.

Reason: The Court noted that the appellant was short served.