

CHAMBER HEARING
Tuesday, 22nd January 2013

MATTERS DEALT WITH ON PAPER

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

Case Name: Lyndon Duncan
v
Edison Baird

**[High Court Civil Appeal No. 8 of 2012]
(Anguilla)**

On paper:

Appellant: JAG Gumbs & Co.

Respondent: Caribbean Juris Chambers

Issues: Application to strike out appeal – Application for submission and record of appeal be deemed validly filed

Result / Order:

1. The application to strike out the notice of appeal is refused.
2. The submissions and record of appeal filed by the appellant on 11th January 2013 are deemed properly filed and served.

Reason: Although there was a delay in the filing of the Record of Appeal, the delay was less than six months from the date of the appeal and counsel for the appellant gave a satisfactory excuse for the late filing of the Record. The Court took into consideration the overriding objective of the Civil Procedure Rules 2000.

Case Name:

**[1] Jose Luis Colon
[2] Juan Cortes
On behalf of themselves and person who
contracted with
Accord Investment Company Limited
t/a Accord Insurance and/or
EMRN Investments Company Ltd.**

v

**[1] Accord Investments Company Ltd. t/a
Accord Insurances and/or EMRN Investments
Company Ltd.**

[2] Eurofed Limited (In Liquidation)

**[3] Charles Walwyn and Donald Ward as
Liquidators of European Federal Bank of
Credit**

**[4] Alex Vanderpoole The Supervisory
Authority under the Money Laundering
(Prevention) Act 1996**

**[High Court Civil Appeal No. 10 of 2008]
(Antigua and Barbuda)**

On paper:

Appellant: Marshall and Company

Respondent: Mr. Nicholas Fuller

Issue:

**Application for extension of time to comply with
order**

Result / Order:

- 1. The application for extension of time to comply with the Order dated 29th October 2012 is refused.**
- 2. Relief from sanctions is refused.**
- 3. Costs are assessed in the sum of EC\$1,000.00 to be paid by the Appellant/Applicant.**

Reason:

The respondent opposed the application on the basis of delay and or want of prosecution by the appellant. The Court took into consideration that the notice of appeal was filed on 3rd June 2008 and the

Record of Appeal was never filed. An order was made directing that the Record of Appeal be filed on or before 14th December 2008 and to date no Record of Appeal was filed by the appellant. The Court determined that in the interest of justice the respondent would be prejudiced by a further extension of time.

Case Name:

**Bob Persaud
v
Warren Headley-Hall**

**[High Court Civil Appeal No. 6 of 2011]
(Antigua and Barbuda)**

On paper:

Appellant: Marshall and Company

Respondent: Thomas, John & Company

Issue:

Application for extension of time to comply with Order

Result / Order:

- 1. The applicant to provide an official copy of the Order dated 30th October 2012, within seven (7) days of this Order.**
- 2. The application is fixed for further consideration at the next Chamber Hearing on the 21st February 2013.**

Reason:

The appellant did not attach a copy of the Order dated 30th October 2012.

Case Name:

Travis Quinland (A minor) by his next friend

**Ronda Horne
v
Warren Headley-Hall**

**[High Court Civil Appeal No. 35 of 2012]
(Antigua and Barbuda)**

On paper:

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

Respondent: Hill & Hill

Issue: Application for leave to appeal

Result / Order:

1. The applicant is granted leave to appeal the decision of Master Charlesworth Tabor.
2. The notice of appeal shall be filed within twenty one (21) days of this Order.

Reason: The appellant satisfied the threshold requirements for leave to appeal.

Case Name:

**Myrna Norde
v
Jacqueline Mannix
(As Personal Representative of Henry
Alford Mannix)**

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

On paper:

**Applicant/Intended
Appellant:** Mr. Ralph Francis

Respondent: Marshall and Company

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

Result / Order / Reason:

1. The parties shall file and serve affidavits of service of each application within seven (7) days of this Order.
2. The respondent to the application to strike out the appeal is to comply with Practice Directions 2 and 3 of 2008.
3. Both applications are adjourned for further consideration at the next Chamber Hearing on 21st February 2013.

Reason: The parties did not provide proof of service of the applications.

Case Name: Stanford Development Company Limited
v
OBM Development Company Limited
[High Court Civil Appeal No. 41 of 2012]
(Antigua and Barbuda)

On paper:

Applicant/Intended Appellant:	Marshall and Company
Respondent:	Rhudd and Associates

Issue: Application for leave to appeal

Result / Order:

1. The applicant is to file and serve a copy of the application and Order being appealed on the respondent within 14 days of the date of this Order.

2. The matter is fixed for further consideration at the Chamber hearing fixed for 21st March 2013.
3. The applicant shall file proof of service of the application.
4. The Registrar is directed to obtain reasons for the decision from the Learned Master within 21 days of this Order.

Reason:

The Court noted that there was no proof of service of the application on the respondent. Furthermore there was no order of the Master nor any reasons for the decision attached to the application for leave.

Case Name:

**Savita Indira Salisbury
v
The Director of the ONDCP**

**[High Court Civil Appeal No. 44 of 2012]
(Antigua and Barbuda)**

On paper:

Applicant/Intended Appellant:	Leslie-Anne Brissett George
Respondent:	The Attorney General's Chambers

Issue:

Application for leave to appeal

Result / Order:

The matter is fixed for further consideration at the next Chamber Hearing on 21st February 2013.

Reason:

The Court noted that the Attorney General's Chambers was not served with a notice of the hearing of the application.

Case Name:

**Sundry Workers
v
Chevron West Indies Limited**

**[High Court Civil Appeal No. 25 of 2011]
(Antigua and Barbuda)**

On paper:

Appellant: Charlesworth O.D. Brown

Respondent: Bird Law Firm

Issue:

Application for skeleton arguments to be deemed properly filed

Result / Order:

- 1. The appellant/applicant skeleton arguments that were filed on 3rd December 2012 are deemed to have been properly filed.**
- 2. The appellant/applicant's be relieved from sanctions.**

Reason:

The respondent did not oppose or object to the appellant's application.

Case Name:

**Ginger Villa Incorporated
v
Caribbean Developments (Antigua) Limited**

**[High Court Civil Appeal No. 1 of 2013]
(Antigua and Barbuda)**

On paper:

**Applicant/Intended
Appellant: Henry & Burnette**

Respondent: Simon Rogers Murdoch

Issue: Application for leave to appeal

Result / Order:

1. The applicant's application filed on 2nd January 2013 for leave to appeal is deemed properly filed.
2. Leave is hereby granted to the applicant to appeal against the Order of Master Charlesworth Tabor made on 14th December 2012.
3. The applicant is to file and serve the notice of appeal within twenty-one (21) days of this Order.
4. Costs of this application shall be costs in the appeal.

Reason: The appellant satisfied the threshold requirements for the grant of leave to appeal.

Case Name: Massimo Alemagna
v
Flat Point Development Limited

[High Court Civil Appeal No. 3 of 2012]
(Antigua and Barbuda)

On paper:

Applicant/Intended Appellant:	Monique A. Francis-Gordon
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Respondent:	No appearance
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Issue: Application for leave to appeal

Result / Order:

1. The applicant is granted leave to appeal;
2. The applicant shall file and serve the notice of appeal together with written submissions within twenty-one (21) days of this Order.

Reason: The appellant satisfied the threshold requirements for the grant of leave to appeal.

Case Name: Joseph R. LeBlanc
v
Lucretia Gabriel nee Scotland

[High Court Civil Appeal No. 16 of 2012]
(Dominica)

On paper:
Appellant: In person
Respondent: Geoffrey Letang Chambers

Issue: Application for extension of time

Result / Order:

1. The Registrar of the High Court is further directed to comply with paragraph 1 of the directions dated 23rd October 2013 no later than 16th February 2013.
2. The application is further adjourned to the next chamber hearing on 21st February 2013.

Case Name: [1] Kareem Vinton Ne Glasford

v
[1] First Caribbean International Bank
(Barbados) Limited
[2] Brownwen Glasford

[High Court Civil Appeal No. 24 of 2012]
(Saint Kitts & Nevis)

On paper:

**Applicant/Intended
Appellant:** In person

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Respondent: Grant, Powell & Co.

Issue:

Application for leave to appeal

Result / Order:

1. The applicant is to file and serve a copy of the order against which he is appealing within 14 days of this Order.
2. The application is fixed for further consideration at the next chamber hearing on 21st February 2013.

Reason:

The applicant did not attach a copy of the order appealed against.

Case Name:

Dwight Cozier

v

Mark Brantley

**[High Court Civil Appeal No. 30 of 2012]
(Saint Kitts & Nevis)**

On paper:

**Applicant/Intended
Appellant:** Cozier & Associates

Respondent: Daniel, Brantley & Associates

Issue:

Application for leave to appeal

Result / Order:

1. The application for leave to appeal is granted.
2. The applicant shall file, serve and transmit to the

Court of Appeal the notice of appeal within twenty-one (21) days of the date of this Order.

Reason: The applicant satisfied the threshold requirements for leave to appeal.

Case Name: [1] Naomi Darren also Naomi Darabaner
v
[1] Intrust Services (Nevis) Limited
[2] In-Trust Limited
[3] Steven Slom

[High Court Civil Appeal Nos. 2 and 12 of 2012]
(Saint Kitts & Nevis)

On paper:

Appellant:	Cozier & Associates
Respondent:	Myrna Walwyn & Associates

Issue: Application for an order to extend time to file and serve records of appeal

Result / Order:

1. The time for filing and serving the records of appeal in this matter is extended from 11th December 2012 to 17th December 2012.
2. The records of appeal filed and served by the applicant on the solicitors for the respondents on the 17th December 2012 be allowed to stand and be deemed properly filed and served.
3. The applicant is granted relief from sanctions pursuant to Rule 26.8 of the Civil Procedure Rules 2000 for failure to comply with paragraph 2 of the Order of the Court dated 26th November 2012 by the 11th December 2012.

Reason: The respondent did not oppose the application.

Case Name: Cotton Bay Resorts Limited
v
Marilyn Stewart Consulting Group Ltd.
[High Court Civil Appeal No. 33 of 2012]
(Saint Lucia)

On paper:
Applicant / Intended Appellant: Monplaisir & Co.
Respondent: Peter I. Foster & Associates

Issue: Application for leave to appeal

Result / Order:

1. The applicant shall produce a copy of the acknowledgment of service and serve a copy of the same on the respondent within 14 days of this Order.
2. The matter is fixed for further consideration at the next chamber hearing scheduled for 21st February 2013.

Reason: The Court noted that there was no evidence that the applicant/intended appellant had filed an acknowledgement of service on 18th October 2011.

Case Name: Frinsted Consultancy Services (St. Lucia)
Ltd.
v
Gustave General Construction Ltd.

**[High Court Civil Appeal No. 25 of 2012]
(Saint Lucia)**

On paper:

Appellant: Fraser & Co.

Respondent: McNamara & Co.

Issues:

Application to restore appeal – Application for extension of time to file record of appeal

Result / Order:

- 1. The applicant is to serve the respondent with the notice of application together with the affidavit in support within 14 days of this Order.**
- 2. The respondent is granted 7 days leave thereafter if necessary to file and serve affidavit in response.**
- 3. The matter is fixed for the next Chamber hearing scheduled for 21st February 2013.**

Case Name:

**[1] St. Torrence Matty
[2] Mathew Matty
[3] Peter Fanus
[4] Raymond Fanis
Representatives of the estate of Louis
Seraphin
v
Alicia Francois
Administratrix of the Estate of the late Jacob
Fanus of Desruisseaux, Micoud**

**[High Court Civil Appeal No. 37 of 2012]
(Saint Lucia)**

On paper:

Appellant: Fraser & Company

Respondent: Mr. Vern Gill

Issue: Application for leave to extend time to file notice of appeal

Result / Order:

1. Extension of time is granted to the applicants to file and serve a notice of appeal.
2. The notice of appeal is to be filed and served within 10 days of this Order.

Reason: The Court noted that there was no response from the respondent regarding the appellant's application.

Case Name:

Guy Godfrey Harte
v
WPC 759 Patenda Meder

[Magisterial Criminal Appeal No. 10 of 2012]
(Saint Lucia)

On paper:

Applicant/Intended Appellant:	Fraser & Company
Respondent:	The Director of Public Prosecutions

Issue: Application for leave to appeal

Result / Order:

1. The Registrar is directed to obtain reasons for the decision for the decision of the Magistrate within 14 days of this Order.
2. The applicant is to file and serve skeleton submissions within 21 days of this Order.
3. The application is fixed for further consideration at the Chamber hearing fixed for the 21st March 2013

Reason: The Court noted that there were no reasons provided for the decision of the Magistrate.

Case Name: National General Insurance (NAGICO) NV
v
Nicholas Francis
[High Court Civil Appeal No. 1 of 2012]
(Montserrat)

On paper:

Applicant/Intended Appellant:	The Attorney General Chambers
Respondent:	No appearance

Issues: Application for leave to appeal – Application for relief from sanctions – Application for extension of time to seek leave to appeal

Result / Order:

1. Extension of time is granted to the applicant to seek leave to appeal.
2. Relief from sanctions is granted to the applicant.
3. The applicant is granted leave to file and serve the notice of appeal within twenty-one (21) days of this Order.

Reason: The applicant/intended appellant satisfied the requirements for leave to appeal.

Case Name:

1. The Attorney General
2. Planning & Development Authority
3. Easton Farrell-Taylor, The Minister

Responsible for Planning
v
[1] Jon Miller
[2] Steve Price
[3] Andy Burk
[4] Ed Berger
[5] Hank Henry
[6] Eric Tomme
[7] Greg Mehring
[8] Gerry Blomquist
[9] Troy Deppermann
[10] George F. Walker QC

[High Court Civil Appeal No. 11 of 2012]
(Montserrat)

On paper:

**Applicant/Intended
Appellant:** **Mr. Hogarth Sergeant**

Respondent: **Jean Kelsick**

Issue:

Application for leave to appeal

Result / Order:

The without notice application for leave to appeal together with the affidavit in support of the application be served on the respondents within 7 days of this Order.

Reason:

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