

CHAMBER HEARING
Wednesday 20th January, 2010

BEFORE

The Hon. Mr. Davidson Baptiste, Justice of Appeal [Ag.]

SAINT LUCIA

Case Name

Frederick Augustus v The Mayor & Citizens of Castries
[Civil Appeal No. 40 of 2009]

Appearances:

Appellant: Mrs. Cynthia Hinkson-Ouhla

Respondent: Mrs. Esther Greene-Ernest

Issue:

Application for Adjournment of Application for leave to appeal

Result:

**It was ordered that:
The matter is adjourned to 16th February, 2010.**

Reason:

To facilitate compliance with procedure for change of solicitor.

Case Name

Patrick Joseph v Saint Lucia Banana Corporation
[Civil Appeal No. 39 of 2007]

Appearances:

Appellant: In person

Respondent: Mr. Dexter Theodore

Issue:

Application for extension of time and relief from sanctions
Application to strike out appeal

Result:

It was ordered that the matter be stood down.

Reason:

To permit the Respondent to have sight of the Appellant's Application for extension of time and relief from sanctions which had not been served.

Case Name	The Attorney General of Saint Lucia v Kenny D. Anthony [Civil Appeal No. 31 of 2009]
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Appearances:

Appellant: Mrs. Brender Portland-Reynolds holding papers for Mr. Reginald Amor, SC

Respondent: No appearance

Issue: Application for extension of time to file written submissions

Result: It was ordered that:

1. The skeleton submissions of the Appellant filed on 15th January 2010 is deemed to be properly filed.
2. The Appellant is granted relief from sanctions pursuant to rule 26.8 of CPR 2000.
3. Costs of this application to be costs in the cause.

Reason: The Application was not opposed.

Case Name Patrick Joseph v Saint Lucia Banana Corporation
[Civil Appeal No. 39 of 2007]

Appearances:

Appellant: In person

Respondent: Mr. Dexter Theodore

Issue:	Application for extension of time and relief from sanctions Application to strike out appeal
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Result: It was ordered that:

1. The Application for extension of time and relief from sanctions is dismissed.
2. The appeal is struck out with costs to the Respondent in the sum of \$1500.00.

Reason:

1. The Application for extension of time and relief from sanctions did not satisfy the requirement of promptness ordained by CPR 26.8(1)(a). There had been some 9 months delay for which there was no good explanation. Negligence of Applicant's attorney is not a good explanation.
2. The appeal was struck out on the ground that the Notice of Appeal was not served, the Record of Appeal was not filed and the Application for extension of time and relief from sanctions was not filed promptly.

Case Name Patrick Morille v Hermia Morille (nee Lorde)
[Magisterial Civil Appeal No. 1 of 2009]

Appearances:

Applicant: Mr. Horace Fraser

Respondent: Mrs. Esther Greene-Ernest

Issue: Application for extension of time to file Application for leave to appeal decision of Magistrate sitting in the Family Court – Application for relief from sanctions – whether delay in filing application leave was inordinate – whether there was a good explanation for the delay – whether deliberate decision was made not to appeal and to seek judicial review

Result:

It was ordered that:

1. The matter is referred to the full Court for consideration.
2. The parties are to file skeleton submissions and authorities on or before 24th February, 2010.
3. The matter is adjourned to the sitting of the Full Court in Saint Lucia in the week beginning 22nd March, 2010.

Case Name Laureen Fenelon v Solange Stanislas
[Civil Appeal No. 38 of 2009]

Appearances:

Applicant: Mr. Leevie Herelle with Mr. Henry Joseph

Respondent : Mr. Geoffrey duBoulay

Issue: Application for leave to appeal
Applicaton for Stay of Execution

Result:

It was ordered that:

1. Leave is granted to appeal the order dated 12th November, 2009 wherein the Appellant was ordered to pay the sum of \$40,000.00 with interest at the rate of 6% per annum from 28th February, 2008 with prescribed costs.
2. The Application for stay of the order is refused and the application to vary the order is also refused.

Reason:

1. The Application for leave was not opposed.
2. No grounds for stay were set out in the affidavit in support, which was improperly sworn by counsel appearing in the matter.

Case Name	Aloysius Cumberbatch v East Caribbean Financial Holdings Company Ltd. [Civil Appeal No. 41 of 2009]
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Appearances:

Applicant: Mr. Hilford Deterville, QC

Respondent: Mr. Leevie Herelle

Issue:

Application for leave to appeal

Result:

It was ordered that:

1. Leave is granted to the Applicant to appeal against the order of the Hon. Master Mathurin granting an adjournment for the Applicant to file an extension of time to file the defence.
2. Further hearing and determination of the proposed appeal is adjourned.

Reason:

The Application was not opposed.

**ANTIGUA AND
BARBUDA**

Case Name

Diana Lynn Hendricks v Thyra Hendrick-Henry
[Civil Appeal No. 31 of 2009]

On paper:

Appellant: Unrepresented

Respondent: Daniels, Phillips & Associates

Issue:

Application for leave to appeal

Result:

It was ordered that:

The Application is adjourned to the Full Court sitting in Antigua during the week of 8th to 12th February, 2010.

Case Name	Royal George v Dominica Agricultural Industrial and Development Bank [Civil Appeal No. 9 of 2007]
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Issue: Application for extension of time to file and serve written submissions

GRENADA

Issue: Application for leave to appeal

Case Name	Selwyn Peters v Charles Beulink et al [Civil Appeal No. 6 of 2007]
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On paper:

Appellant: Mr. Lloyd Noel

Respondents: Anselm Clouden & Associates

Issue:

Application to dismiss appeal for want of prosecution

Result and Reason:

It was ordered that:

The appeal is dismissed with costs of \$1000.00 to the Respondents/Applicants due to non-compliance with the Unless Order dated 30th November, 2009.

Case Name

Faban Cadore v Claris Gay et al
[Civil Appeal No. 17 of 2009]

On paper:

Applicant: Law Office of G.E.D Clyde

Respondents: Ms. Kim George of George & Ventour

Issue:

Application for leave to appeal

Result:

It was ordered that:

1. The Respondents are to file and serve any affidavit evidence on which they intend to rely along with skeleton arguments on or before the 4th day of February, 2010.
2. The Applicant is to file and serve an affidavit in reply to any opposing affidavit and submissions in reply to any opposing submissions of the Respondents on or before 15th February, 2010.
3. The matter is adjourned to the chamber hearing scheduled for 16th February, 2010.

**SAINT
CHRISTOPHER
AND NEVIS**

Case Name

Dion Newman v The Licensing Authority
[Magisterial Criminal Appeal No. 7 of 2009]

On paper:

Applicant: Unrepresented

Respondent: Unrepresented

Issue: Application for extension of time to appeal and relief from sanctions

Result and Reason: It was ordered that:
The matter is further adjourned to the next chamber hearing scheduled for 16th February, 2010 for the Applicant to comply with the order made by the Hon. Justice of Appeal Ola Mae Edwards on 30th November, 2009.

Case Name Grenville Hanley v Joseph Huggins (For the Estate of Miriam Huggins)
[Civil Appeal No. 11 of 2009]

On paper:

Appellant: Myrna Walwyn & Associates

Respondent: Daniel Brantley & Associates

Issue: Application for extension of time and relief from sanctions

Result and Reason: It was ordered that:
1. The Application for an extension of time to file the Notice of Appeal is refused for non-compliance with the mandatory requirements of rule 26.8 (a) and rule 26.2 (b) of Civil Procedure Rules 2000.
2. The Respondent is awarded costs of \$1000.00.

**SAINT VINCENT
AND THE
GRENADINES**

Case Name Calvert Adams v The Queen
[Criminal Appeal No. 22 of 2009]

On paper:

Applicant: Unrepresented

Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to appeal and relief from sanctions

Result: It was ordered that:
The Application is dismissed.

