

TELECONFERENCE

TERRITORY OF THE VIRGIN ISLANDS

Wednesday, 13th July 2011

APPLICATIONS AND APPEALS

Case Names:

**Fairfield Sentry Limited (In Liquidation) v
Alfredo Migani and 22 Others
[High Court Civil Appeal No. 14 of 2011]**

**Fairfield Sentry Limited (In Liquidation) v
Banco General SA / Banca Privada & 30 Others
[High Court Civil Appeal No. 15 of 2011]**

**Fairfield Sentry Limited (In Liquidation) v
Bank Julius Baer & Co. Ltd. & 26 Others
[High Court Civil Appeal No. 16 of 2011]**

**Fairfield Sentry Limited (In Liquidation) v
Bank Julius Baer & Co. Ltd. & 26 Others
[Civil Appeal No. 17 of 2011]**

**Fairfield Sentry Limited (In Liquidation) v
Arbitral Finance Inc. & 23 Others
[High Court Civil Appeal No. 18 of 2011]**

**Fairfield Sentry Limited (In Liquidation) v
Bank Julius Baer & Co. Ltd. & 33 Others
[High Court Civil Appeal No. 19 of 2011]**

**Fairfield Sentry Limited (In Liquidation) v
Wise Global Fund Limited
[High Court Civil Appeal No. 20 of 2011]**

**Fairfield Sentry Limited (In Liquidation) v
Credit Suisse London Nominees Limited
[High Court Civil Appeal No. 21 of 2011]**

Coram/Before: The Hon. Mr. Hugh A. Rawlins, Chief Justice
The Hon. Mde. Ola Mae Edwards, Justice of Appeal
The Hon. Mde. Janice Pereira, Justice of Appeal

Appearances:

Applicant: Mr. Guy Philipps, QC, with him, Mr. William Hare

Respondent: Mr. Dominic Chambers, QC, with him, Ms. Arabella di Iorio (Maples and Calder Respondents)
Mr. Mark Hapgood, QC, with him, Mr. Phillip Kite, Mr. Kissock Laing and Ms. Kimberly Crabbe (Harneys Respondents)
Mr. Paul Webster, QC, with him, Mr. Daniel Wise and Ms. Nadine Whyte (O'Neal Webster Respondents)
Mr. Robert Foote, with him, Ms. Claire Goldstein (Ogier Respondents)

Issues: Application to vary order of single judge of the Court of Appeal – Leave to appeal – Application for a stay of execution – Whether application out of time

Result / Order: [Oral delivery]
It is hereby ordered that:

1. The application to vary the order of the single judge be treated as having been filed in time.
2. The applications be listed for hearing by the full Court sitting in Saint Lucia on Monday 25th July 2011.

Reason: The rules are silent on the exact form that an application for the reconsideration of a decision of a single judge of the court should take. Thus, notwithstanding the fact that the applicant had sent a “letter of request” to have this done (rather than applying by notice of application which would be the usual procedure), since the letter had been received by the court before time had expired, it was treated as a valid application for review of the judge’s decision. It was not practical however to hear the entire application via teleconference, because of the relatively complex nature of the matter and the technical difficulty encountered in hearing counsel.