

CHAMBER HEARING

Tuesday, 23rd October 2012

HEARING (SAINT LUCIA)

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

Case Name: Paul Cadette
v
Jane Kangal

[High Court Civil Appeal No. 24 of 2012]

Appearances:

Applicant / Appellant:	No appearance
Respondent:	Mr. Eghan Modeste

Issues: Application for extension of time – Application for relief from sanctions

Result / Order: [Oral delivery]
By consent:

1. Leave is granted to the applicant to file a copy of the Order or place a copy of the judgment of the learned trial judge, Belle J, on or before 4th November 2012.
2. Leave is granted to the respondent, if necessary, to file and serve a written consent to the application for leave to extend time to appeal on or before 12th November 2012.
3. The matter is fixed for further consideration on 20th November 2012.

Reason: The respondent consented to the application for an extension of time.

Case Name:

**Cuthbert Felix
v
The Director of Public Prosecutions**

[High Court Civil Appeal No. 29 of 2012]

Appearances:

Appellant: Ms. Donna Jacobie

Respondent: Mr. Giovanni James

Issues:

Application for leave to appeal – Application for stay of order pending determination of the appeal – Oral application for matter to be filed in the criminal jurisdiction – Directions

Result / Order:

[Oral delivery]

- 1. The matter is to be entitled in the Criminal Jurisdiction and the Registrar of the High Court is to make the necessary administrative adjustments.**
- 2. The Registrar of the High Court is directed to make available to the applicant, the certified copy of the ruling of the learned trial judge, Justice Cumberbatch dated 13th September 2012, within 14 days of this Order.**
- 3. The matter is fixed for further consideration at the next Chamber hearing on 20th November 2012.**

Reason:

The parties consented to the order. Additionally, there was no written copy of the Order of the learned trial judge Justice Cumberbatch exhibited.

Case Name:

**Conrad Charles
v
The Attorney General**

[High Court Civil Appeal No. 9 of 2012]

Appearances:

**Applicant /
Appellant:**

Mrs. Cynthia Hinkson-Ouhla

Respondent:

**Ms. Brenda Portland-Reynolds with her Ms. Jans
Drysdale**

Issues:

**Application for extension of time to file skeleton
arguments – Application for extension of time to file
record of appeal – Directions**

Result / Order:

[Oral delivery]

By consent:

- 1. The applicant/appellant is granted an extension of
time within which to file and serve skeleton
arguments within 21 days of today's date.**
- 2. The respondent is granted 28 days thereafter to
file and serve skeleton arguments.**
- 3. The matter is listed for report and further
consideration at the Chamber hearing scheduled
for 18th December 2012.**
- 4. Costs of this application are agreed in the sum of
\$350.00.**

Reason:

**Counsel for the appellant indicated that due to ill
health she was unable to file and serve the requisite
documents within the prescribed time. In view of
that the Court was minded to grant the application
for an extension of time.**

MATTERS DEALT WITH ON PAPER

Case Name:

Jumby Bay Resort

v

Kiston Brown

**[High Court Civil Appeal No. 19 of 2012]
(Antigua and Barbuda)**

Date:

Tuesday, 23rd October 2012

On paper:

Appellant:

Simon Rogers Murdoch

Respondent:

No appearance

Issue:

Application for stay of execution of the whole judgment of the Industrial Court dated 26th July 2012

Result / Order:

The application for stay of execution of the Order of the Industrial Court dated 26th July 2012 is granted.

Reason:

The Court was of the opinion that the appeal has a realistic prospect of success. Furthermore, the Court determined that the balance of justice favoured the granting of a stay of the application as there was a real risk of injustice to the applicant if the stay was not granted.

Case Name:

Janice Reynolds-Greene

v

The Bank of Nova Scotia

**[High Court Civil Appeal No. 22 of 2012]
(Antigua and Barbuda)**

Date:

Tuesday, 23rd October 2012

On paper:

**Applicant / Intended
Appellant:** In person

Respondent: No appearance

Issues: Application for leave to appeal – Directions

Result / Order:

1. The applicant is to provide proof of service of the application on the respondent on or before 10th November 2012.
2. The application is adjourned to the next Chamber hearing scheduled for 20th November 2012.

Reason: There was no proof of service exhibited with the application.

Case Name:

**Ultramarine (Antigua) Ltd.
v
Sunsail (Antigua) Ltd.**

**[High Court Civil Appeal No. 23 of 2012]
(Antigua and Barbuda)**

Date: Tuesday, 23rd October 2012

On paper:

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

Respondent: Roberts & Co.

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

Result / Order:

1. The applicant and the respondent shall file and

- exchange written submissions together with authorities on or before 10th November 2012.
2. The matter is adjourned to the next Case Management Conference on 20th November 2012.

Reason: The Court was minded to make the aforementioned order as the respondent opposed the applicant's application.

Case Name: Hartford Randall John
v
Bernadette Belle John
[High Court Civil Appeal No. 25 of 2012]
(Antigua and Barbuda)

Date: Tuesday, 23rd October 2012

On paper:

Appellant:	Peyton J. V. Knight & Associates
Respondent:	No appearance

Issue: Application for stay of execution – Directions

Result / Order:

1. The respondent is to file, serve and transmit to the Court of Appeal office skeleton arguments on or before 10th November 2012.
2. The matter is fixed for further consideration at the next Chamber hearing on 20th November 2012.

Case Name: British American Insurance Company Limited
(In Judicial Managment)
v

**[1] Marlon Ho-Tack
[2] Alice Ho-Tack**

**[High Court Civil Appeal No. 27 of 2012]
(Antigua and Barbuda)**

Date: Tuesday, 23rd October 2012

On paper:

**Applicant / Intended
Appellant:** Watt, Dorset and Company

Respondent: Marshall & Company

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

Result / Order:

1. Leave to appeal the decision of Astaphan J dated 10th September 2012 is granted.
2. The applicant is to file and serve the notice of appeal on or before 6th November 2012
3. Stay of execution of the order is granted pending the determination of the appeal.
4. The matter is fixed for 18th December 2012 for report.

Reason: The Court was of the opinion that the appeal has a realistic prospect of success. The Court was also of the opinion that there was a real risk of injustice to the applicant if there was no stay of execution of the Order appealed against.

Case Name: Joseph Raphael Le Blanc
v
Lucretia Gabriel Nee Scotland

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

Date: Tuesday, 23rd October 2012

On paper:

Appellant:	In person
Respondent:	No appearance

Issues: Application for extension of time to file notice of appeal – Directions

Result / Order:

1. The Registrar of the High Court shall make a copy of the Rules dealing with service available to the applicant within 14 days of this Order.
2. The applicant is to proceed in accordance with the CPR to effect service of the application.
3. The matter is adjourned to the next Case Management Conference on 20th November 2012.

Reason: The appellant was unrepresented and did not comply with the requirements for service pursuant to the Civil Procedure Rules 2000.

Case Name:

Dwight C. Cozier
v
[1] Pauline Ngungiri
[2] E. Bizz Business Solutions Inc. Doing
Business as Skn Vibes

[High Court Civil Appeal No. 21 of 2012]
(Saint Christopher and Nevis)

Date: Wednesday, 24th October 2012

On paper:

Applicant / Intended	Cozier & Associates
Appellant:	

Respondent: No appearance

Issues: Application for leave to appeal – Directions

Result / Order:

1. Leave is granted to the applicant to file and serve the notice of appeal.
2. The notice of appeal is to be filed and serve on or before 10th November 2012.

Reason: The Court was of the opinion that the appeal has a realistic prospect of success.

Case Name:

Vinsley Dublin
v
The Commissioner of Police

[Magisterial Criminal Appeal No. 32 of 2012]
(Saint Vincent and the Grenadines)

Date: Tuesday, 23rd October 2012

On paper:

**Applicant / Intended
Appellant:** In person

Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issue: Application for extension of time within which to appeal

Result / Order:

1. The application for extension of time is granted.
2. The time for filing and service of the said notice of appeal be on or before 10th November 2012.

Reason: The respondent did not object to an extension of

time being granted to the applicant.

Case Name:

**Julious Rodgers
v
The Commissioner of Police**

**[Magisterial Criminal Appeal No. 34 of 2012]
(Saint Vincent and the Grenadines)**

Date:

Tuesday, 23rd October 2012

On paper:

**Applicant / Intended
Appellant:** In person

Respondent: Mr. Colin Williams, Director of Public Prosecutions

Issue:

**Application for extension of time within which to
appeal**

Result / Order:

- 1. The Director of Public Prosecutions is to file and serve skeleton submissions together with authorities in support of his opposition on or before 2nd November 2012.**
- 2. The applicant is to file a response, if any, on or before 10th November 2012.**
- 3. The matter is fixed for consideration on 20th November 2012.**

Reason:

The respondent objected to the applicant's application for extension of time and argued that the applicant's ground of appeal disclosed no arguable ground.

Case Name:

Darren Phillips

v

The Queen

**[High Court Criminal Appeal No. 18 of 2012]
(Saint Vincent and the Grenadines)**

Date:

Tuesday, 23rd October 2012

On paper:

Appellant:

In person

Respondent:

No appearance

Issue:

Application for extension of time within which to appeal

Result / Order:

- 1. The Registrar of the High Court in Saint Vincent and the Grenadines is to serve the application on the Director of Public Prosecution on or before 2nd November 2012.**
- 2. The matter is fixed for consideration on 20th November 2012.**

Reason:

The Court noted that the application was not served on the respondent.

Case Name:

[1] Ecedro Thomas

[2] Alfred Thomas

[3] Elsair Thomas Malone

[4] Alice Thomas

v

[1] Daisy Stout

[2] Farfield Stout

**[3] Iona Stout Forbes (Executrix of the Will of
Essir Stout)**

**[4] Grethel Stout (Administratrix of the Estate
of Richard Cardinal Stout)**

**[High Court Civil Appeal No. 19 of 2012]
(Territory of the British Virgin Islands)**

Date: Tuesday, 23rd October 2012

On paper:

**Applicant / Intended
Appellant:** Farara Kerins

Respondent: No appearance

Issue: Application for leave to appeal

Result / Order:

1. Leave to appeal the decision of Justice Rita Joseph Olivetti is granted.
2. The applicant is granted 14 days leave to file and serve a notice of appeal.
3. Thereafter, the appeal is to proceed in accordance with CPR 2000.

Reason: The Court was of the opinion that the appeal has a realistic prospect of success.