

# **VIDEOCONFERENCE**

**GRENADA  
9<sup>th</sup> October 2012**

## **APPLICATION AND APPEAL**

**Case Name:** **George Blaize  
v  
Bernard La Mothe (trading as “Saint Andrews  
Connection Radio” SAC FM Radio)**

**[High Court Civil Appeal No. 4 of 2012]**

**Coram:** **The Hon. Mr. Davidson K. Baptiste, Justice of Appeal  
The Hon. Mde. Louise Blenman, Justice of Appeal  
The Hon. Mr. Mario Michel, Justice of Appeal**

**Appearances:**

**Appellant:** **Mr. James Bristol**

**Respondent:** **Mr. Dwight Horsford with him Ms. Naeisha John  
  
Mr. Adebayo Olowu (holding a watching brief for the  
Attorney General)**

**Issue:** **Whether rule 12.13(b) of the Civil Procedure Rules  
2000 contravenes section 8(8) of the Grenada  
Constitution Order 1973 and ought to be declared null  
and void**

**Result / Order:** **[Oral delivery]  
1. The appeal is allowed.  
2. It is declared that CPR Part 12.13 (b), insofar as it  
purports to restrict a defendant to be heard only  
on the matter of costs at the hearing of an  
assessment of damages following a default  
judgment, is in breach of the fair trial rights  
enshrined in section 8 (8) of the constitution and  
unconstitutional, null and void.  
3. It is declared that a defendant is entitled to be**

heard on an assessment of damages in respect of the determination of the quantum thereof and to make submissions and cross-examine witnesses.

4. The assessment of damages is set aside and the matter be remitted to the High Court for directions and assessment of damages.

**Reason:**

**Written reasons to follow.**