

CHAMBER HEARING

Monday 14th April, 2008

CORAM The Hon Hugh Rawlins, Justice of Appeal

SAINT LUCIA

Case Name David Pollock et al v Caribbean Ventures International Ltd. et al
[Civil Appeal No. 35 of 2007]

Appearances :

Appellants : Mr. Marcus Foster

Respondents: Mr. Bota McNamara

Issue: Security for Costs

Result:

1. The Application by the Respondent dated 27th January, 2008 for an order that the Appellants shall enter security for the cost of prosecuting the appeal in this case and for the costs awarded in the High Court proceedings is granted.
2. The Appellants shall, on or before Friday 18th April, 2008 satisfy this Court that they can enter security by way of a firm guarantee taken on a commercial bank doing business in St. Lucia in the sum of EC\$267,750.00.
3. Unless the Appellants comply with paragraph 2 of this Order, they shall enter security by depositing the said sum of EC\$267,750.00 into an escrow account with a commercial bank doing business in St. Lucia, which account shall be in the names of Solicitors for the Appellants and the Respondents, on or before the 19th May, 2008.
4. Unless the Appellants comply with either paragraph 2 or paragraph 3 of this Order the appeal herein shall stand dismissed without further order with costs to the Respondents.
5. Provided that the Appellants comply with either paragraph 2 or paragraph 3 of this Order and provided that the notice of availability of the transcript pursuant to rule 62.9 of CPR 2000 can be issued by the court office, the date appointed as the date of availability of the transcript shall be 21 days after the Appellants have complied with this Order or any such time thereafter that the court office issues the notice.
6. Further hearing on this Application is adjourned to Friday 18th April, 2008.
7. Costs are reserved to the adjourned date.

Reason:

There must be good reasons for the making of an order for security for costs as the making of such an order may have the effect of stifling an appeal. The Court must exercise its discretion in a way that will comply with the Court's duty to do justice to both sides: Leon Plaskett v Stevens Yachts Inc et al BVIHCV2002/0001.