

CHAMBER HEARING

Tuesday 15th April 2008

CORAM Hon. Ola Mae Edwards, Justice of Appeal

SAINT LUCIA

Case Name Imran Jean v Ag. Chief Fire Officer et al
[Civil Appeal No. 40 of 2007]

Appearances

Applicant Mr. Tonjaka Hinkson
Respondent Mrs. Brenda Portland-Reynolds

Issue: To determine whether this is a procedural appeal.

Result: It was ordered that:

1. The application to strike out the notice of appeal is adjourned to the 27th day of May 2008.
2. The Fixed Date Claim with any supporting documents and opposing affidavits and a copy of the transcript of proceedings in Open Court to be submitted by the Registrar of the High Court by the 6th day of May 2008.

Reason: Counsel for the respondent requested an adjournment in order to pursue the Application to Strike out the notice of appeal which was only served on the 14th April 2008.

Case Name Margaret Sargusingh v Caius Sargusingh
[Civil Appeal No. 6 of 2008]

Appearances:

Appellant:

Mr. Andie George and with him Mr. Ermin Moise

Respondent:

Mr. Bryan Stephen

Issue:

Application for Stay of Execution/Discharging of an interim injunction

Result:

It was directed that:

- 1. Written Reasons for the Decision of His Lordship the Hon. Justice Brian Cottle to be requested by the Chief Registrar pursuant to paragraph 3 of his Order;**
- 2. The matter is adjourned to the 27th May, 2008 for further consideration.**
- 3. Directions for written submissions of Counsel for the parties to be given upon receipt of the Reasons for Decision of His Lordship the Hon Justice Brian Cottle.**

Reason:

Counsel for the respondent is opposing the application

Case Name

**Royal Bank of Scotland trading as Natwest v Caribbean Destination Management Services Limited and Windward Enterprises Limited
[Civil Appeal No. 10 of 2008]**

Appearances:

Appellant:

Mrs. Candice Cadasse-Polius

Respondent:

Mr. Bota McNamara holding papers for Mr. Mark Maragh for the 1st respondent
Mr. Peter Foster for the 2nd respondent

Issue:

Application for leave to appeal.

Result:

It was ordered that:

- 1. The transcript of proceedings to be submitted to the Court of Appeal by the 29th day of April 2008.**
- 2. The matter is adjourned to the 27th day of May 2008 for the application for leave to appeal to be determined.**

Reason:

Counsel for the 1st respondent submitted a medical report for Mr. Maragh who has

conduct of the proceedings.

Case Name Caribbean General Insurance Co. Ltd. v The St. Lucia Coconut Growers Associated Limited
[Civil Appeal No. 4 of 2008]

Appearances:

Appellant: Mr. Peter Foster

Respondent: No appearance

Issue: Procedural appeal

Result: It was directed that:

4. The respondent to file and serve written submissions in opposition to the procedural appeal by the 29th April, 2008;
5. The application made for the amendment of the 1984 Interim Injunction in November 1999 and the Order made upon it for the insertion of the undertaking to be submitted to the Court of Appeal by the appellant by the 29th April, 2008.
6. The procedural appeal to be determined thereafter by Her Ladyship the Hon Ola Mae Edwards, Justice of Appeal (Ag.).

Reason: Documents were not served on counsel for the respondent.

CASE MANAGEMENT

DOMINICA

Case Name Georges George v The State
[Mag. Crim. App. No. 1 of 2008]

Appearances:

Appellant: JS Archibald & Co.

Respondent: Attorney General

Issue: Bail pending appeal

Result: It was directed that:
The application for bail pending the hearing of the appeal will be heard by the Court in Dominica at the sitting of the Court scheduled for the week commencing 21st April, 2008.

Reason: For the respondent to be heard on the application.

Case Name Levie Maximea v The State
[Civ. App. No. 7 of 2007]

Appearances:

Appellant:

Respondent: Attorney General

Issue: Application for Notice of Appeal

Result: It was directed that:

1. The Chief Registrar shall immediately comply with CPR 62.9(b)(i) and (ii) and notify the parties.
2. The appeal is set down for further case management in Dominica on 22nd April, 2008 by Edwards, JA (Ag.) when rule 62.12(2) to (6) will be brought to the attention of the unrepresented appellant.

Reason For the appellant who is unrepresented to be informed of the procedure governing the transcript of proceedings and the filing of skeleton arguments.

GRENADA

Case Name Arthur Noel v Frederick Noel et al
[Civ. App. No. 14 of 2006]

Appearances:

Appellant: Cajeton A.K. Hood C/o Anselm B. Clouden

Respondent: Attorney General Chambers

Issue: Application to remove legal practitioner on record

Result: It was directed that:

The application that the applicant be removed from the record as legal practitioner for the first respondent filed on 13th March, 2008 is to be heard in the High Court which has jurisdiction to hear and determine applications incidental to the appeal not involving the decision appealed against, pursuant to section 34 of the West Indies Association States Supreme Court (Grenada) Act Cap.

Reason: Such applications are to be heard in the High Court.

Case Name Frederick Noel v The Queen
[Crim. App. No. 7 of 2007]

Appearances:

Appellant:

Ms. Venescia Francis-Banfield

Respondent:

Director of Public Prosecutions

Issue: Application to remove legal practitioner on the record.

Result: It was directed that:
The application by Venescia Francis-Banfield to be removed from the record as counsel for the appellant which was filed on 13th March, 2008 will be taken into account by the Court at the hearing of the appeal.

Reason: For the application to be heard

Case Name Amin Glud v Shorn Collins
[Civ. App. No. 25 of 2007]

Appearances:

Appellant:

A. Olowu

Respondent:

Anselm B. Clouden Associates

Issue: Extension of time to appeal/case management

Result: It was ordered that:
The applicant having failed to file his written submissions by 8th April, 2008 the notice of motion for extension of time for appealing against the Order of Master Mathurin dated 28th February, 2007 stands struck out and is dismissed.

Reason: Contained in the Order

Case Name Capital Bank International Limited v The Honourable Attorney General
[Civ. App. No. 4 of 2008]

Appearances:

Appellant:

Cajeton A.K. Hood C/o Anselm B. Clouden

Respondent:

Attorney General Chambers

Issue:

Case Management – Notice of Appeal against the Order of Henry J

Result:

It was directed that:

1. Pursuant to CPR 62.9 the Chief Registrar is to arrange for the High Court to forward a copy of the claim form, the applications with supporting affidavits, affidavits in response, the orders dated 15th February and 14th March, 2008 and notes of evidence, and the judgment where it exists on or before 28th April, 2008.
2. The appellant is to serve the submissions filed on 9th April, 2008 on the respondent and file an affidavit of service on or before 28th April, 2008.
3. The respondent is to file and serve submissions on or before 30th April, 2008.
4. The matter is adjourned for further case management by Edwards, JA (Ag.) on 6th May, 2008.

Reason:

For the court to determine the nature of the Appeal and whether leave is required

**SAINT KITTS
& NEVIS**

Case Name

Bruce Rogers v The Queen
[Crim. App. No. 11 of 2007]

Appearances:

Appellant:

In Person

Respondent:

Director of Public Prosecutions

Issue:

Appeal for consideration

Result: It was directed that:
1. The notice of appeal on application for leave to appeal will be dealt with at the sitting of the Court in Saint Christopher and Nevis on the 27th to 31st October, 2008

Reason: Appeal to be heard

Case Name Elsroy Nathaniel Dorset v Hon. G.A. Dwyer Astaphan et al
[Civ. App. No. 2 of 2008]

Appearances:
Appellant: Innis & Innis Chambers
Respondent: Hamilton & Co. for the first respondent
Attorney General for the second, third and fourth respondent

Issue: Application by way of motion for Extension of time, relief from sanctions, leave to appeal and stay of execution of Orders

Result: It was ordered and directed that:
1. The notice of motion will be heard at the next sitting of the Court in Saint Christopher and Nevis on the 27th to 31st October, 2008.
2. The judgment of Bell J and the record of the proceedings to be filed and served by the applicant by the 30th July, 2008.
3. The written submissions of counsel for the parties with authorities to be filed and served on or before the 22nd September, 2008.

Reason: Under Rule 27 (4) of the court of Appeal Rules 1968 the motion is to be heard in open court

**Saint Vincent
& The
Grenadine**

Case Name Othniel R. Slyvester v Frederick Bruce-Lyle et al
[Civ. App. No 17 of 2007]

Appearances:
Appellant: Robertson & Robertson
Respondent: Equity Chambers

Issue: Extension of time to file time

Result:

Reason: The criteria for granting the application has been met

Case Name Fred George v The Queen
[Crim. App. No. 1 of 2008]

Appearances:

Appellant: In Person

Respondent: Direction of Public Prosecutions

Issue: Application to amend grounds of appeal

Result: It was directed that:

1. The application for leave to amend the grounds of appeal stated in the Notice of Appeal or Application for Leave to Appeal against Conviction and Sentence filed on the 17th January, 2008 will be considered at the next sitting of the Court on the 19th to 23rd May, 2008.

Reason: The appellant is unrepresented and the practice of the court is to hear him

Case Name Everton Tannis v The Queen
[Crim. App. No. 11 of 2008]

Appearances:

Appellant: In Person

Respondent: Director Of Public Prosecutions

Issue: Application for Extension of time to appeal

Result: It was directed that:

1. The applicant is to complete Criminal Form1 which is the form – NOTICE OF APPEAL OR APPLICATION FOR LEAVE TO APPEAL AGAINST CONVICTION AND SENTENCE – and Form2 Appendix C in the Court of Appeal Rules 1968 which is the application for extension of time; and these forms are to be submitted to the Registrar of the High Court by the 5th May, 2008 for transmission to the Court of Appeal, and a copy served on the Directed of Public Prosecution with the assistance of the Superintendent of Prisons.
2. The application for extension of time will be considered at the next sitting of the Court on the 19th to 23rd May, 2008.

Reason: The applicant/appellant is unrepresented and by practice the court allows him to be heard despite letter form of application

Appellant: In Person

Respondent: Director of Public Prosecutions

Issue: Application for Extension of time to appeal

Result: It was directed that:

1. The applicant is to complete Criminal Form1 which is the form – NOTICE OF APPEAL OR APPLICATION FOR LEAVE TO APPEAL AGAINST CONVICTION AND SENTENCE – and it is to be submitted to the Registrar of the High Court by the 5th of May, 2008 for transmission to the court of Appeal, and a copy served on the Director of Public Prosecution with the assistance of the Superintendent of Prisons.
2. The application for the extension of time will be considered at the next sitting of the Court on the 19th to 23rd May, 2008.

Reason: By practice the court hears the applicant despite the letter form of the application

Case Name Marwick Frederick v Commissioner of Police
[Mag. Crim. App. No. 9 of 2008]

Appearances: Appellant: In Person

Respondent: Director of Public Prosecution

Issue: Application for Extension of time to appeal

Result: It was directed that:

1. The applicant is to complete Criminal Form1 which is the form – NOTICE OF APPEAL OR APPLICATION FOR LEAVE TO APPEAL AGAINST CONVICTION AND SENTENCE – and it is to be submitted to the Registrar of the High Court by the 5th of May, 2008 for transmission to the court of Appeal, and a copy served on the Director of Public Prosecution with the assistance of the Superintendent of Prisons.
2. The application for the extension of time will be considered at the next sitting of the Court on the 19th to 23rd May, 2008.

Reason: By practice the court hears the applicant despite letter form of the application

Case Name Carl Ollivierre v Wilbert Lewis
[Civ. App. No. 4 of 2008]

Appearances:

Appellant: Stanley K. John Chambers

Respondent: In Person

Issue: Application for Stay of Execution

Result: It was directed that:

1. The appellant must serve the application for stay of execution filed on the 1st April, 2008 on the Respondent along with a copy of the draft order and file the affidavit of service on or before the 8th May, 2008.
2. Respondent to file and serve an affidavit in response to the application if it is being opposed, on or before the 13th May, 2008.
3. The parties to file and serve written submissions with authorities on or before the 13th May, 2008.
4. The application to be heard by a judge or the Court at the sitting on the 19th to 20th May, 2008.

Reason The respondent must be heard on the application

**TORTOLA,
BVI**

Case Name Ocean Conversion Limited v Attorney General
[Civ. App. No. 3 of 2008]

Appearances:

Appellant: JS Archibald & Co. Chambers

Respondent: Attorney General

Issues: Application for a Stay of Execution

Result: It was directed that:

1. The Order of the Honourable Madame Justice Rita Joseph Olivetti dated 14th December, 2007 that a Defence be filed within the time prescribed by CPR 10.3(4) is hereby stayed pending the determination of this appeal and a copy of the said Order is to be submitted to this Court by the 29th April, 2008.
2. The appellant is required to file a Defence to the High Court action BVIHCV 2007/277 only upon dismissal of the appeal and within the time prescribed by CPR 10.3(4) from the date of such dismissal.
3. The costs of this application be costs in the appeal.

Reason: The application was not opposed

Case Name Spanish Town Development Company Ltd. v Victor International Corporation et al
[Civ. App. No. 3 of 2008]

Appearances:
Appellant: JS Archibald & Co. Chambers

Respondent: Farara Kerins Chambers

Issue: Leave to appeal and stay of execution

Result: It was ordered and directed that:
The applicants are to submit a copy of the amended skeleton arguments filed on 12th April, 2008.

Reason:

Case Name Quorum Island BVI Limited & The Attorney General v Virgin Islands Environment Council
[Civ. App. No. 4 of 2008]

Appearances:
Appellant: The Attorney General for the Defendant/Applicant and Farara Kerins Chambers for the

Respondent: Mr. Stephen Hockman QC for the Claimant/Respondent

Issue: Two applications for Leave to appeal and one application for stay of execution

Result: It was directed that:
2. The applicants are granted leave to appeal against the Judgment and Order of Her Honour Judge Joseph-Ollivetti which was delivered and made on 7th March, 2008 in Claim No. BVIHC 3. V 2007/0185.
4. Each applicant is to file and serve the notice of appeal within 14 days from the date of the determination of the appeal.
5. The execution of the Order for the applicants to pay the costs of the appeal.
6. The costs of these applications are to follow the cost of the appeal.

Reason: The applications were not opposed

