

CHAMBER HEARING
Monday 30th November, 2009

BEFORE The Hon. Mde. Ola Mae Edwards, Justice of Appeal

SAINT LUCIA

Case Name Martha A. Henry v Cora U. Smith
[Civil Appeal No. 38 of 2008]

Appearances:

Appellant: Ms. Andra Gokool-Foster

Respondent: No appearance (Peter Foster & Associates on record)

Issue: Application for extension of time and relief from sanctions

Result:

It was ordered that:

1. The Application filed on 7th October 2009 for extension of time and relief from sanctions is granted.
2. Skeleton arguments to be filed and served on or before 30th December 2009.
3. The Respondent may file and serve skeleton arguments within 28 days of service of the Appellant's skeleton arguments.
4. The appeal is to proceed in accordance with CPR 62.12 and is set down for hearing at the next sitting of the Court in Saint Lucia during the week of 22nd March 2010.

Reason:

The Application was unopposed and was granted having regard to the requirements of CPR 26.8 and the jurisprudence of the Court.

Case Name Patrick Joseph v Saint Lucia Banana Corporation
[Civil Appeal No. 39 of 2007]

Appearances:

**Appellant/
Respondent:** Mr. Sylvester Anthony

**Respondent/
Applicant:** Mr. Dexter Theodore

Issue: Application to strike out appeal

Result: It was ordered that:
1. The Application is adjourned to 20th January 2010.
2. The Application to be filed and served on the Appellant/Respondent on or before 11th December 2009.
3. The Appellant/Respondent shall file and serve a notice as to whether the Application is being opposed within 14 days of service of the Application along with any evidence on which he intends to rely.

Reason: There was no proof of service of the Application on the Appellant/Respondent.

Case Name Eastern Caribbean Insurance Ltd. v Edmund Bicar
[Civil Appeal No. 14 of 2008]

Appearances:
Appellant/
Applicant: Mr. Dexter Theodore
Respondent: Mr. Mark Maragh

Issue: Application for extension of time to file Record of Appeal and relief from sanctions

Result: It was ordered that:
1. The Application for extension of time is hereby granted and the Appellant is relieved from sanction.
2. The Record of Appeal to be filed and served within 42 days from today's date and thereafter the appeal is to proceed in compliance with CPR 62.11 and 62.12.
3. The appeal is set down for hearing in Saint Lucia during the week commencing 22nd March 2010.
4. There is no order as to costs.

Reason: The Application was not opposed.

Case Name The Attorney General of Saint Lucia v Johnson Jn. Baptiste
[Civil Appeal No. 24 of 2008]

Appearances:
Appellant: Mr. Raulston Glasgow

Respondent: Mrs. Petra Nelson

Issue: Application to strike out appeal
Application for extension of time to file Record of Appeal and relief from sanctions

Result: It was ordered that:
1. The Application for extension of time having been served late is adjourned to 17th December 2009.
2. The Respondent to file and serve an affidavit in opposition to the Application for extension of time on or before the 8th December 2009.
3. Counsel for the parties to file and serve skeleton arguments in support of both applications on or before the 11th December 2009.

Reason: The Application for extension of time and relief from sanction was short served.

Case Name Moses Ishmael v Development Control Authority
[Civil Appeal No. 35 of 2009]

Appearances:
Applicant: Mrs. Cynthia Hinkson-Ouhla
Respondent: Mr. Adrienne Etienne

Issue: Application for extension of time to appeal and relief from sanctions

Result: It was ordered that:
1. The Applicant to file and serve a new complete application on or before 4th December 2009 along with documentary exhibits.
2. The Respondent to file and serve the evidence to be relied on in opposition to the Application.
3. Both parties are to file and serve their skeleton arguments with supporting authorities on or before 10th December 2009.
4. Unless the Applicant complies with this order the Application stands dismissed with costs to the Respondent to be assessed and filed. Provided the Applicant complies with the order, this Application is set down for hearing at the next chamber date on 17th December, 2009.

Case Name Patrick Morille v Magistrate Charon Gardner et al
[Magisterial Civil Appeal No. 1 of 2009]

Appearances:

Applicant: Mr. Horace Fraser
Respondents: Mr. Leslie Prospere of the Attorney General's Chambers for Magistrate Gardner
Greene, Nelson & Associates on record for Ms. Hermia Morille

Issue: Application for leave to extend time to appeal
Application for stay of execution

Result: It was ordered that:
1. The Applicant to file and serve the Application reflecting the correct title to the proposed proceedings on appeal.
2. Counsel for the Respondent has indicated that he is consenting to the Application, therefore the matter is adjourned to the next chamber hearing on 17th December 2009 for the re-filed Application to be determined.
3. There is no order as to costs.

Reason: To permit correction of the title of the proceedings to be made.

ANGUILLA

Case Name Adelaide Webster v Remi Goldstone
[Magisterial Civil Appeal No. 2 of 2005]

On paper:
**Appellant/
Respondent:** Ms. Paulette E. Harrigan
**Respondent/
Applicant:** C.E. Hodge & Associates

Issue: Application to remove solicitors' name from the record

Result: It was ordered that:
1. The solicitors, C.R. Hodge & Associates be removed from the record as acting for and on behalf of the Respondent.
2. In accordance with Part 6.4(1)(b) and 63.6(4), the solicitors are hereby allowed to serve the order on the usual place of residence of the Respondent in Anguilla, being at the Exclusivity Villa at Captain's Bay, Anguilla, and also posting by registered mail to Remi Goldstone at P.O. Box 1245 in Anguilla, a copy of the order.

**COMMONWEALTH
OF DOMINICA**

Case Name Alice Daniel et al v Jeanne Peltier et al
[Civil Appeal No. 17 of 2009]

On paper:

Appellant: Ms. Noelize N. Knight

Respondent: Mr. David Bruney on record in the court below

Issue: Application for stay of execution

Result: It was ordered that:
1. The Application filed on the 7th October 2009 for a stay of the judgment given by His Lordship Justice Albert Matthew dated the 28th August 2009 is granted.
2. The execution of the said judgment is stayed pending the determination of the appeal.
3. There is no order as to costs.

Reason: The conditions for grant of a stay of execution had been met. See Marie Makhoul v Cicely Foster HCVAP 2009/014 (delivered in 26 August, 2009).

Case Name Shirley Lee Dorsett v Thomas B. Dorsett
[Civil Appeal No. 12 of 2009]

On paper:

Applicant: Ms. Rose-Ann Charles

Respondent: Mr. David Bruney

Issue: Application for order that the Respondent is not precluded from appealing against a decree absolute of divorce

Result: It was ordered that:
1. The Application filed on the 20th August, 2009 is adjourned to the 20th January 2009 for further case management.
2. The Applicant is to file and serve the following on or before 5th January 2010:
(1) a copy of the Law and Rules governing Divorce Proceedings in Dominica.
(2) Skeleton submissions with authorities relating to the jurisdiction of the Court of Appeal under Section 30 2(e) and

- the absence of an application to extend the time to appeal.
3. The Respondent is to file and serve skeleton submissions with authorities in opposition to the summons along with any evidence that he is relying on in support of the opposition by the 14th January, 2010.

GRENADA

Case Name

**Selwyn Peters v Charles Beulink et al
[Civil Appeal No. 6 of 2007]**

On paper:

**Appellant/
Respondent: Mr. Lloyd Noel**

**Respondents/
Applicants: Anselm Clouden & Associates**

Issue:

Application for appeal to be dismissed for want of prosecution

Result:

It was ordered that:

1. The Application to dismiss the appeal for want of prosecution is adjourned to the next chamber hearing on 20th January 2010 to be determined by a single judge on paper.
2. Unless the Appellant/Respondent files and serves an affidavit in response to the Application to dismiss the appeal for want of prosecution, on or before the 18th December 2009, the appeal stands dismissed with costs of \$1000.00 to the Respondents/Applicants.

**SAINT
CHRISTOPHER
AND NEVIS**

Case Name

**Dion Newman v The Licensing Authority
[Magisterial Criminal Appeal. No. 7 of 2009]**

On paper:

Applicant: Unrepresented

Respondent: Unrepresented

Issue:

Application for extension of time to appeal

Result: It was ordered that:
1. The Application filed on the 13th October 2009 is adjourned to the next chamber hearing date on the 17th December 2009 for determination on paper by a single judge.
2. The Applicant to file and serve on or before 9th December 2009 a copy of the Magistrate's judgment/order dated 5th August 2009.

Case Name Grenville Hanley v Joseph Huggins (For the Estate of Miriam Huggins) [Civil Appeal No. 11 of 2009]

On paper:
Applicant: Myrna Walwyn & Associates
Respondent: Daniel Brantley & Associates

Issue: Application for extension of time to appeal

Result: It was ordered that:
1. The Application is adjourned to the next chamber hearing on 20th January 2010 to be determined by a single judge on paper.
2. The Applicant to file and serve a copy of the proposed Notice of Appeal on or before the 10th December 2009.

**SAINT VINCENT
AND THE
GRENADINES**

Case Name Cecil Browne v Paulina Latham et al [Civil Appeal No. 24 of 2009]

On paper:
Applicant: Caribbean International Law Firm
Respondents: Williams & Williams on record in the court below

Issue: Application for leave to appeal

Result and Reason: It was ordered that:
1. The Applicant to transmit to the Court of Appeal an affidavit of service evidencing that the Respondents have been served with a copy of the Application and supporting evidence on or before the 14th December 2009.

2. The Applicant is to file and serve a copy of the order made on the 23rd October 2009 which is the subject of the Application on or before the 14th December 2009.
3. The Respondents to file and serve a notice indicating whether the Application is being opposed in compliance with PD No. 2 of 2008 2(b)(ii) and Pd No. 3 of 2008 3(c) on or before 30th December 2009 and any evidence on which they intend to rely along with skeleton arguments if the Application is being opposed.
4. The Application filed on the 29th October 2009 is adjourned to the next sitting of the Court in Saint Vincent during the week commencing 25th January 2010.

Case Name Daniel Cummings et al v Ralph Gonsalves
[Civil Appeal No. 22 of 2009]

On paper:

Applicant: Robertson & Robertson

Respondent: Mr. Grahame Bollers

Issue: Application for leave to appeal

Result:

It was ordered that:

1. The Respondent to file and serve any evidence on which they intend to rely along with skeleton arguments on or before 30th December 2009.
2. The Applicant to file and serve an affidavit in reply to any opposing affidavit and submissions in reply to any opposing submissions of the Respondent where necessary on or before the 12th January 2010.
3. The Application filed on the 9th October 2009 is adjourned to the next sitting of the Court in Saint Vincent during the week commencing 25th January 2010.

Case Name Dale Jack v The Queen
[Criminal Appeal No. 21 of 2009]

On paper:

Applicant: Unrepresented

Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result:

It was ordered that:

1. The Application along with the Notice of Appeal are to be served on the

Director of Public Prosecutions by the Deputy Chief Registrar along with a copy of this order.

2. The Application is set down for hearing by the Full Court at the next sitting of the Court in Saint Vincent during the week commencing 25th January 2010.

Case Name Atiba Wiseman v Commissioner of Police
[Magisterial Criminal Appeal No. 35 of 2009]

On paper:

Applicant: Unrepresented

Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result:

It was ordered that:

1. The Application along with the Notice of Appeal is to be served on the Director of Public Prosecutions and the Magistrate of the Serious Offences Court by the Deputy Chief Registrar along with a copy of this order.
2. The Application is set down for hearing by the Full Court at the next sitting of the Court in Saint Vincent during the week commencing 25th January 2010.

Case Name Keith Williams v Commissioner of Police
[Magisterial Criminal Appeal No. 36 of 2009]

On paper:

Applicant: Unrepresented

Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result:

It was ordered that:

1. The Application along with the Notice of Appeal is to be served on the Director of Public Prosecutions and the Magistrate of the Serious Offences Court by the Deputy Chief Registrar along with a copy of this order.
2. The Application is set down for hearing by the Full Court at the next sitting of the Court in Saint Vincent during the week commencing 25th January 2010.

**TERRITORY OF
THE VIRGIN
ISLANDS**

Case Name **Betty Lou Bailey nee Chalwell v Mark Bailey
[Civil Appeal No. 3 of 2009]**

On paper:

Applicant: **Farara Kerins**

Respondent: **Mc. W Todman & Co**

Issue: **Application for extension of time to appeal**

Result:

It was ordered that:

- 1. The Applicant to transmit to the Court of Appeal an affidavit of service evidencing that the Respondent has been served with a copy of the Application and supporting evidence on or before 15th December, 2009.**
- 2. The Respondent to file and serve a notice indicating whether the Application is being opposed in compliance with Practice Direction No. 2 of 2008 PD2(b)(ii) and No. 3 of 2008 PD3(c) by the 30th December, 2009; and any evidence on which it intends to rely along with skeleton arguments on or before 4th January, 2010 if it is being opposed.**
- 3. The Applicant to file and serve an affidavit in reply to any opposing affidavit, and submissions in reply to any opposing submissions of the Respondent where necessary on or before 5th January, 2010.**
- 4. The Application filed on the 15th September, 2009 is adjourned to the next sitting of the Court in the Territory of the Virgin Islands during the week of the 11th to 15th January, 2010.**

Case Name **Danone Asia Pte Limited et al v Golden Dynasty Enterprise Limited et al
[Civil Appeal No. 2 of 2009]**

On paper:

Appellants: **Conyers Dill & Pearman**

Respondents: **Harney, Westwood & Riegels**

Issue: **Application to dismiss appeal**

Result:

It was ordered that:

- 1. The appeal herein is dismissed.**

2. Each and every application within the appeal herein stands dismissed.
3. The order of this Court dated 5th May 2009 providing for the continuation of the stay granted by paragraph 2 of the Order of the High Court dated 17th December 2008 be discharged.
4. There is no order for costs.

Reason: The parties agreed agreed to the appeal being dismissed.

Case Name Golden Dynasty Enterprise Limited et al v Danone Asia Pte Limited et al
[Civil Appeal No. 18 of 2009]

On paper:

Appellants: Harney, Westwood & Riegels

Respondents: Conyers Dill & Pearman

Issue: Application to dismiss appeal

Result: It was ordered that:
1. All further proceedings herein are dismissed.
2. There is no order as to costs.

Reason: The parties agreed to the appeal being dismissed.