

CHAMBER HEARING

Tuesday 30th March, 2010

BEFORE

The Hon. Mde. Janice George-Creque, Justice of Appeal

SAINT LUCIA

Case Name

**The Bank of Nova Scotia v Lucella Joseph
[Civil Appeal No. 42 of 2009]**

Appearances:

Applicant: Mr. Gerard Williams

Respondent: No appearance

Issue:

Application for Leave to Appeal

Result:

**It was ordered that:
The Application for leave is granted.**

Reason:

Having regard to the reasons stated and the absence of opposition.

Case Name

**Michael Daher v Roger Maraj
[Civil Appeal No. 4 of 2010]**

Appearances:

Appellant: Mrs. Wauneen Louis-Harris

Respondent: Ms. Andra Gokool-Foster

Issue:

Application to discharge order and for extension of time to file notice of appeal

Result:

**It was ordered that:
The matter is to be placed on the application list for determination by the full court at its next sitting in Saint Lucia in June, 2010.**

Case Name Ruth Joseph v The Bank of Nova Scotia
[Civil Appeal No. 2 of 2010]

Appearances:
Applicant: Mrs. Wauneen Louis-Harris
Respondent: No appearance

Issue: Application for withdrawal of application for leave to appeal

Result: It was ordered that:
The Application for leave filed on 21st February, 2010 is hereby withdrawn and accordingly stands dismissed with no order as to costs.

Reason: The Application is premature.

Case Name Natalie Glitzenhirn-Augustin v Nicholas Welch et al
[Civil Appeal No. 5 of 2010]

Appearances:
Applicant: Ms. Vanessa William
Respondents: Mr. Leevie Herelle

Issue: Application for leave to appeal consent order dated 10th February, 2010 in SLUHCV Suit No. 2010/0094 under section 26(2)(f) of the Eastern Caribbean Supreme Court (Saint Lucia) Act Chap. 2.01

Result: It was ordered that:
1. The Applicant to furnish the court with the transcript of the proceedings before the trial judge on 10th February, 2010 no later than Friday 16th April, 2010, a copy of which is to be served on the Respondent.
2. The parties to file and serve skeleton arguments in light of the notice of opposition to the application for leave by 23rd April, 2010.
3. The Application for leave to appeal is adjourned to the next Chamber Hearing date on 27th April 2010.

ANGUILLA

Case Name Charles Hickox v Leeward Isles Resorts Limited
[Civil Appeal No. 3 of 2008]

On paper:
Applicant: Caribbean Juris Chambers
Respondent: Webster Dyrun Mitchell

Issue: Application for consent order to stay enforcement of the judgment

Result: It was ordered by consent that:
1. Until 4:30 p.m. on 19th April, 2010 neither party shall take any steps by way of enforcement of any of the orders made by the Court of Appeal in its judgment in High Court Civil Appeal No. 3 of 2008 Leewards Isles Resorts Limited v Charles Hickox dated 22nd March, 2010.
2. Costs shall be reserved for the Court of Appeal.

Reason: The parties agreed.

Case Name Jerard Pascal v Regina
[Civil Appeal No. 6 of 2009]

On paper:
Appellant: J.A.G. Gumbs & Co.
Respondent: Attorney General's Chambers

Issue: Application for variation of bail

Result: It was ordered that:
The matter is stood down to obtain a copy of the order of the court of appeal granting the application for bail on November 16th, 2009.

**COMMONWEALTH
OF DOMINICA**

Case Name Isidore Bellot v George Bellot
[Civil Appeal No. 15 of 2007]

On paper:

Appellant: Mrs. Heather Felix-Evans

Respondent: Unrepresented

Issue: Application to withdraw application to set aside order granting leave

Result: It was ordered that:
The Application to set aside the order filed on 22nd July, 2008 granting leave to the Applicant to appeal is hereby withdrawn and accordingly stands dismissed with the effect that leave granted on 22nd July, 2008 now stands.

Reason: The Application, which was served on the Respondent and for which notice of hearing was given, is not opposed.

Case Name SAG Motors Co. Ltd. et al v National Bank of Dominica
[Civil Appeal No. 2 of 2010]

On paper:

Intended Appellant: Mr. Lennox Lawrence

Intended Respondent: Unrepresented

Issue: Appeal from order of the master fixing a date for sale

Result: It was ordered and directed that:

1. The parties to file and exchange written submissions addressing the questions whether (i) the appeal from the order of the master made on 20th January, 2010 is an interlocutory order; (ii) if interlocutory, whether leave to appeal is required.
2. Submissions to be transmitted to the Court no later than Friday 16th April, 2010.
3. The matter to be considered on 27th April, 2010.

ANGUILLA

Case Name Jerard Pascal v Regina
[Civil Appeal No. 6 of 2009]

Appearances:
Appellant: J.A.G. Gumbs & Co.
Respondent: Attorney General's Chambers

Issue: Application for variation of bail

Result: It was ordered that:
1. The Applicant, Jerard Pascal, is remanded to the Juvenile Rehabilitation Centre until such time as he is able to provide suitable sureties and security to the satisfaction of the Registrar in text of paragraph 1(e) of the order of the Court of Appeal made on 16th and 17th November, 2009.
2. Liberty to apply.

DOMINICA

Case Name The Attorney General et al v Stewco Construction Co. Ltd. et al
[Civil Appeal No. 3 of 2010]

On paper:
Appellants: Attorney General's Chambers
Respondents: Unrepresented

Issue: Application for leave to appeal

Result: It was ordered that:
The matter is adjourned to 1st April, 2010 for teleconference.

GRENADA

Case Name Hugh Dolland et al v Rita Joseph-Olivetti
[Civil Appeal No. 3 of 2010]

On paper:

Appellant: Henry, Henry & Bristol

Respondent: Law Office of G.E.D Clyne

Issue:

Application to strike out appeal

Result:

It was ordered that:

The matter is referred to the full court sitting in Grenada during the week beginning the 3rd May, 2010.

Case Name

**Andy Andall v The National Insurance Board
[Civil Appeal No. 4 of 2010]**

On paper:

Applicant: Mr. Derek Sylvester

Respondent: Henry Hudson-Phillips & Co.

Issue:

Application for stay of execution and leave to appeal

**Result and
Reasons:**

It was ordered that:

- 1. On the Application for leave to appeal, the said application is dismissed as the judgment in respect of which leave to appeal is sought is a final judgment in default granted pursuant to CPR12.10(4).**
- 2. On the Application for a stay of execution, the said application is dismissed, no grounds for the grant of a stay having been advanced by the Applicant.**
- 3. The Applicant shall pay costs to the Respondent on the said applications fixed in the sum of \$1,500.00.**

Case Name

**Allen Joseph v Maitland Supplies Limited et al
[Civil Appeal No. 8 of 2010]**

On paper:

Applicant: Raymond Anthony & Co.

Respondent: Law Office of G.E.D Clyne

Issue: Application for leave to appeal

Result and Reasons: It was ordered that:
1. Given the date of service of the Application, leave to appeal being served on 19th March, 2010, the Application was short served under P.D. No. 3 of 2008. Accordingly, the Application for leave is adjourned to the next chamber hearing being 27th April, 2010.
2. The parties shall comply with Practice Directions 2 & 3 of 2008 for the purposes of hearing of the Application.

BEFORE The Hon. Mr. Davidson Baptiste, Justice of Appeal

ANTIGUA AND BARBUDA

Case Name Rashid Pigott v The Queen
[Criminal Appeal. No. 1 of 2010]

On paper:
Appellant: Unrepresented
Respondent: The Director of Public Prosecutions

Issue: Application for reconsideration of stay of execution or sentence

Result: It was ordered that:
The Application is refused.

Case Name Romaneta Francis v John William Jarrett et al
[Civil Appeal No. 2 of 2010]

On paper:
Appellant: Unrepresented
**Respondent/
Applicant:** Henry & Burnette

Issue: Application for Notice of Appeal to be dismissed

Application for stay of proceedings

Result and Reason:

It was ordered that:

1. The Application for stay of proceedings filed on 15th March, 2010 until determination of the procedural appeal, is dismissed.
2. No leave of the Court having been obtained to appeal against the order of the Master made on 21st December, 2009, the Notice of Appeal filed on 22nd January, 2010 is dismissed with costs to the Applicant, John William Jarret, in the sum of \$1,000.00.

Case Name

**Gilbert Gomes et al Claire McClean et al
[Civil Appeal No. 8 of 2010]**

On paper:

**Applicants: Marshall & Co.
Respondents: Unrepresented**

Issue:

Application for leave to appeal

Result and Reason:

It was ordered that:

The Application is adjourned to the next chamber hearing scheduled for 27th April, 2010 for compliance with Practice Direction No. 2 of 2008 and No. 3 of 2008

Case Name

**C.O Williams Construction (Antigua) Ltd. v Jennings Building Products Ltd.
[Civil Appeal No. 9 of 2010]**

On paper:

**Applicant: Ms. Gail Christian
Respondent: Unrepresented**

Issue:

**Application for leave to appeal
Application for stay of execution**

Result:

It was ordered that:

1. Leave to appeal is granted.
2. The Application for a stay of execution is dismissed.
3. The Notice of Appeal and submissions filed together with the

Application are deemed to be properly filed.

Case Name Marlon Ho-Tack v British American Insurance Co. Ltd.
[Civil Appeal No. 10 of 2010]

On paper:

Applicant: Marshall & Co.

Respondent: Watt & Associates

Issue: Application for leave to appeal

Result: It was ordered that:
The Application for leave to appeal is granted.

Case Name Arlene Winter v Stanford Development Company Ltd.
[Civil Appeal No. 11 of 2010]

On paper:

Applicant: Watt & Associates

Respondent: Marshall & Co.

Issue: Application for extension of time to file Application for leave to appeal
Application for leave to appeal
Application for stay of execution

Result: It was ordered that:

1. An extension of time is granted to the Applicant to apply for leave to appeal the order dated 9th February, 2010.
2. Leave is granted to the Applicant to appeal against the order of the Honourable Justice David Harris made on 9th February, 2010.
3. The Notice of appeal be filed within 14 days of this order.
4. Execution of the order made on 9th February, 2010 be stayed pending determination of the appeal.
5. Proceedings in the court below be stayed pending the determination of the appeal.
6. The costs of this application be costs in the appeal.

Case Name British American Insurance Company Ltd. (In Judicial Management) v
Marlon Ho-Tack et al

[Civil Appeal No. 13 of 2010]

On paper:

Appellant: Watt & Associates

Respondent: Marshall & Co.

Issue:

Application for leave to appeal

Result:

It was ordered that:

1. Leave is granted to the Applicant to appeal against the order of the Master made on 23rd February, 2010.
2. The Notice of Appeal is to be filed within 14 days of this order.
3. The costs of this application to be costs in the appeal.

Case Name

Karen A. Tuckett v Craig D. Tuckett
[Civil Appeal No. 14 of 2010]

On paper:

Appellant: Ms. Maureen Hyman

Respondent: Richards & Co.

Issue:

Application for stay of execution of decree nisi

Result:

It was ordered that:

1. The Applicant is to file and serve on or before 13th April, 2010 skeleton arguments and authorities in support of the Application.
2. The Respondent is to file and serve skeleton arguments and authorities in opposition on or before 23rd April, 2010.
3. The matter is adjourned to the next chamber hearing scheduled for 27th April, 2010.

Case Name

Tyrone Warner v Mavis Henry, Attorney for Millicent Ralph
[Civil Appeal No. 15 of 2009]

On paper:

Appellant: Mr. Steadroy C.O. Benjamin

Respondent: Unrepresented

Issue: Application for leave to file notice of appeal out of time
Application for Stay of Execution

Result and Reason: It was ordered that:
The Application is adjourned to the next chamber hearing scheduled for 27th April, 2010 for compliance with Practice Direction No. 2 of 2008 and No. 3 of 2008.

**SAINT VINCENT
AND THE
GRENADINES**

Case Name Odel Horne v Commissioner of Police
[Magisterial Criminal Appeal No. 8 of 2010]

On paper:
Appellant: Unrepresented
Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result: It was ordered that:
The Application for extension of time to appeal is granted.

Case Name Errol Corian v Commissioner of Police
[Magisterial Criminal Appeal No. 9 of 2010]

On paper:
Appellant: Unrepresented
Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result: It was ordered that:
The Application for extension of time to appeal is granted.

Case Name **Colville McNicols v Commissioner of Police
[Magisterial Criminal Appeal. No. 10 of 2010]**

On paper:

Appellant: **Unrepresented**

Respondent: **The Director of Public Prosecutions**

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

Result: **It was ordered that:
The Application for extension of time to appeal is granted.**

Case Name **Fidel Hackshaw v Commissioner of Police
[Magisterial Criminal Appeal No. 11 of 2010]**

On paper:

Appellant: **Unrepresented**

Respondent: **The Director of Public Prosecutions**

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

Result: **It was ordered that:
The Application for extension of time to appeal is granted.**

Case Name **Carlos Bobb v Commissioner of Police
[Magisterial Criminal Appeal No. 12 of 2010]**

On paper:

Appellant: **Unrepresented**

Respondent: **The Director of Public Prosecutions**

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

Result: **It was ordered that:
The Application for extension of time to appeal is granted.**

Case Name Anthony Nicholas Culzac v Commissioner of Police
[Magisterial Criminal Appeal No. 13 of 2010]

On paper:
Appellant: Unrepresented
Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result: It was ordered that:
The Application for extension of time to appeal is granted.

**TERRITORY OF
THE VIRGIN
ISLANDS**

Case Name Ennio Zanotti v Interlog Finance Corporation et al
[Civil Appeal No. 8 of 2010]

On paper:
Appellant: Ogier
Respondent: Harneys

Issue: Application for leave to appeal

Result: It was ordered that:
Leave to appeal is granted.

Reason: The appeal has a realistic prospect of success.

Case Name Reserve International Liquidity Fund Limited v Western Union
International Limited
[Civil Appeal No. 5 of 2010]

On paper:

Appellant: O'Neal Webster

Respondent: Maples & Calder

Issue: Application for stay of order

Result and Reason:

It was ordered that:

The Application for stay of the order of Justice Edward Bannister, QC dated 8th January, 2010 is refused for the following reasons:

- 1. It is well established that as a general rule, in the ordinary course, a stay of a winding up order should not be granted. There is nothing in the circumstances of the present case to take it out of the general rule.**
- 2. In challenging the exercise of the judge's discretion it has to be shown that the judge was plainly wrong. On the material before the judge there was a more than adequate foundation for concluding that the court's discretion should be exercised in favour of a winding up. The Court is not satisfied that the judge was wrong in the exercise of his discretion and it has not been shown that it was a decision which no reasonable judge could have reached on the material before him.**
- 3. There is not a realistic prospect of success on appeal.**