

CHAMBER HEARING

(30th November 2010 – 1st December 2010)

DATE: Tuesday 30th November 2010

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

SAINT LUCIA

Case Name: Gregory Fevrier v Luciana Fevrier
[Civil Appeal No. 31 of 2010]

Appearances:

Applicant:	Ms. Leandra Verneuil
Respondent:	Mrs. Kimberly Roheman

Issue: Leave to appeal – Extension of time to file application for leave to appeal

Result: Order is granted in terms of draft order which states that:

1. The applicant be granted leave if such leave be necessary to file an appeal against a judgment in High Court Claim No. SLUHMT2008/0154 delivered by Justice Albert Redhead on 28th September 2010 (“the judgment”) pursuant to CPR 62.2(1);
2. The applicant be granted an extension of time to file this application for leave to appeal against the judgment pursuant to CPR 26.1(2)(k) (if such leave be necessary);
3. The applicant be granted relief from sanctions pursuant to CPR 26.8;
4. The applicant must file a notice of appeal within 14 days of the grant of leave;
5. There be no order as to costs.

Reason: The application is unopposed.

Case Name: Evariste Ambrose v Antoine Baptiste
[Civil Appeal No. 19 of 2010]

Appearances:
Respondent/ Appellant: Mrs. Wauneen Louis-Harris
Applicant/ Respondent: Ms. Leandra Verneuil

Issue: Relief from sanction

Result: Matter adjourned to 21st December 2010.

Reason: Counsel for the respondent (to application) is unwell and has requested an adjournment. This request is unopposed.

Case Name: Tyron Joseph v Police et al
[Civil Appeal No. 39 of 2010]

Appearances:
Applicant: Mr. Jeannot Michel Walters
Respondent: Ms. Tina Mensah

Issue: Bail

Result: Matter adjourned to Wednesday 1st December 2010.

Reason: Counsel were unaware of the existence of section 26.2(a) of the Supreme Court Act, Cap 2.01, Revised Laws of St. Lucia, which states that no appeal shall lie from any order made in any criminal cause or matter. The court also pointed counsel to the decision in M. Glasford et al v The Commissioner of Police, Civil Appeal No. 8 of 1994 (Saint Christopher and Nevis) which relied on this section. Counsel were therefore given the opportunity to properly review the legislation and case law.

Case Name: Patrick Morille v Hermia Roseline Morille
[Civil Appeal No. 35 of 2010]

Appearances:
Appellant: Mr. Horace Fraser
Respondent: Mrs. Esther Greene-Ernest

Issue: Procedural appeal

Result: Appellant to file and serve written submissions on or before 10th December 2010. Respondent to file and serve written submissions on or before 21st December 2010. Matter adjourned to 18th January 2011.

Reason: Counsel were unaware until last week that the matter would be treated as a procedural appeal and therefore requested time to prepare accordingly.

Case Name: Andrea Hippolyte v Rene Trim et al
[Civil Appeal No. 36 of 2010]

Appearances:

Applicant:	Mr. Horace Fraser
Respondent:	Ms. Diana Thomas [No appearance]

Issue: Extension of time to file notice of appeal

Result: Matter adjourned to 21st December 2010.

Reason: Counsel for respondent who was absent, by way of letter has indicated her intention to oppose the application.

**TERRITORY OF THE
VIRGIN ISLANDS**

Case Name Thomas Townsend v Persistence Holdings Limited
[Civil Appeal No. 8 of 2004]

On paper:

Applicant:	J.S. Archibald & Co (Chambers)
Respondents:	Farara Kerins

Issue: Conditional leave to appeal

Result: Matter will be heard by the full Court at its sitting in Tortola in January 2011.

Reason: Due to the recent Privy Council decision of *E. Anthony Ross v Bank of Commerce (Saint Kitts Nevis) Trust and Savings Association Ltd* [2010] UKPC 28, it is necessary to either obtain leave from the Court of Appeal (sitting in full) or special leave, from the Privy Council, in order to appeal to the Privy Council.

TERRITORY OF THE VIRGIN ISLANDS

Case Name Krassimir Petrov Guergov v Deyana Demitriova Marcheva et al
[Civil Appeal No. 23 of 2010]

On paper:

Applicant/ Respondent:	Farara Kerins
Respondent/ Appellant:	Martin Kenney & Co.

Issue: Relief from sanctions – Application to strike out appeal

Result: It was ordered that:
1. The appeal be discontinued and accordingly dismissed;
2. Costs be awarded to the respondents in the sum of \$1,000.00.

Reason: Notice of discontinuance filed by the appellant on 29th November 2010.

ANGUILLA

Case Name: Hotel de Health (Caribbean) Inc. v James Ronald Webster et al
[Civil Appeal No. 4 of 2008]

On paper:

Applicant:	Daniel Brantley & Associates
Respondent:	Joyce Kentish & Associates

Issue: Remove name of solicitor on the record

Result: The application that Daniel Brantley & Associates be removed from the record as solicitors acting for the appellant is granted.

Reason: Application was made by solicitors for the appellant to be removed from the record.

DATE: Wednesday 1st December 2010

SAINT LUCIA

Case Name: Tyron Joseph v Police et al
[Civil Appeal No. Appeal No. 39 of 2010]

Appearances:

Applicant:	Jeannot Michel Walters
Respondent:	Tina Mensah

Issue: Bail

Result: Application dismissed for want of jurisdiction.

Reason: Under section 26(2)(a) of the Supreme Court Act Cap. 2:01 Revised Laws of Saint Lucia this Court has no jurisdiction to entertain such an application.