

1 IN THE GRAND COURT OF THE CAYMAN ISLANDS
2 HOLDEN AT GEORGE TOWN, GRAND CAYMAN

Cause No. G3 OF 2014

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6 BETWEEN:

7 ANDREAS HAUG

8 APPLICANT

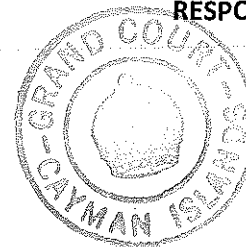
9 AND:

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11 THE ACTING CORONER OF THE CAYMAN ISLANDS

12 RESPONDENT

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14 In Chambers on 4 and 11 September 2014

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16 Before the Honourable Justice Seymour Panton



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19 APPEARANCES:

Mr. Richard Lissack QC (by video link) instructed by David McGrath and Ben
Tonner of Samson McGrath for the Applicant

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22 Mr. Ian Paget Brown QC, Ms Jennifer Catran and Ms Reshma Sharma, instructed
23 by the Attorney General for the Respondent

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25 RULING

- 26 1. I think it is appropriate to deal with Mr. Godenzi's application first. Considering his
27 relationship with the deceased, it was perfectly in order for the Coroner to permit him
28 to actively participate in the proceedings before her, that is, to give evidence and to ask
29 questions of the witnesses.
30
- 31 2. The applicant for judicial review is now seeking an order to quash the jury's verdict on
32 the basis that the Coroner committed errors of law. The alleged errors are set out in
33 extenso in the amended notice of originating motion and need not be repeated at this
34 time.
35
- 36 3. It is sufficient, I think, to say that these are matters between the applicant and the
37 respondent in the judicial review proceedings. Both sides are ably represented by a
38 battery of attorneys. I do not see how Mr. Godenzi can help further.
39

1 4. I understand and sympathize with his interest in the result of the judicial review but his
2 relationship with the deceased is not of sufficient moment to warrant active
3 participation in an activity initiated by the applicant, Haug. The result of the review
4 process will have no discernible legal impact on Mr. Godenzi. In the circumstances, his
5 application is refused.

6
7 5. Turning now to the matters raised by the applicant in seeking the various orders set out
8 in the draft order, I wish to say that I have read the vast material and submissions that
9 have been put before me. I have also considered the oral submissions and authorities
10 that have been cited. I am most grateful for the assistance received from counsel who
11 have clearly put in much work in their presentations.

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14 **Disclosure**

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16 6. It is my view that the disclosure order made by Henderson J has been complied with.
17 The answers and statements of the respondent Coroner in her several affidavits on the
18 matter have convinced me that there has been full compliance. I see no reason for
19 ordering any search, or further search, of any e-mail address or content, whether of the
20 Coroner, of Ms Cecile Collins, or anyone else. And this applies to deleted e-mails.

21
22 7. To be frank, and with the greatest of respect to all, I think it is outrageous to request a
23 search of the Coroner's e-mails given the fact that there is no evidence of any e-mail
24 being communicated to the jury. The application in this regard is tantamount to a
25 fishing expedition and an unwarranted intrusion with expensive consequences. I am
26 unable to give judicial sanction to such an effort. Accordingly, the application is refused.

27
28 **Variation of order of Henderson J**

29 8. I see no reason to go behind the order of Henderson J, a judge of co-ordinate
30 jurisdiction. There is no new relevant material unearthed since his order of 3 June 2014.
31 I do not think the learned judge himself would find any need to vary his order. That
32 application is also refused.

33
34 9. I do not agree with the proposal that the respondent should set out what allegations of
35 fact she admits or denies.



1 The proper procedure, in my view, is for the applicant to file in affidavit form the full
2 notes of the proceedings that he must have made, for him to be launching this
3 challenge.
4

5 The Coroner is to file the transcript of her notes of the entire proceedings as recorded
6 by her. In terms of a timetable, I order as follows:
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- 8 (i) The applicant is to file and serve his affidavit with his notes of the proceedings by
9 25 September 2014;
- 10 (ii) The respondent is to file and serve the transcript of the proceedings as recorded
11 by her by 16 October 2014 (if not yet done);
- 12 (iii) The applicant is to file and serve skeleton arguments and authorities by 30
13 October 2014;
- 14 (iv) The respondent is to file and serve skeleton arguments and authorities by 14
15 November 2014;
- 16 (v) The applicant to file and serve argument in reply by 28 November 2014; and
17 (vi) Hearing to commence on 8 December 2014.

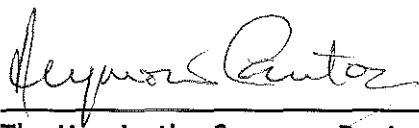
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19 10. The parties are at liberty to agree variations in the timetable so long as the final date for
20 filing any document is no later than 28 November 2014.
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22 11. The parties are also at liberty to agree a hearing bundle, so far as possible. Agreement
23 cannot be forced by the court, but it would be sensible if the parties were to agree such.
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25 12. In respect of the suggested video link, I make no order. It seems to me that the
26 application should be heard in the normal way unless the judge hearing the matter
27 wishes to make an order for video link.
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29 13. Costs associated with these proceedings are to abide the result.
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31 Dated 11TH September 2014

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35 The Hon Justice Seymour Panton
36 JUDGE OF THE GRAND COURT (Actg)

