

CS 9. 17. 7. 95

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

CAUSE NO. 203 OF 1992

**BETWEEN**

BRINSLEY DANVILLE LAZZARI  
EXECUTOR OF THE WILL OF THE ESTATE OF  
ESLIE EARLE LAZZARI  
**PLAINTIFF**

**AND**

(1) LEON LAZZARI  
(2) FREDA LAZZARI  
(3) PEDRO LAZZARI  
**DEFENDANTS**

For the Plaintiff: Mr. Steven Roy  
For the Defendants Mr. Pierre LaMontagne

**HARRE C.J.**

**ORDER**

It is only in the most exceptional case that the Court should embark on hearing such an application as this on the morning of the trial. And this summary procedure should not be resorted to except in plain and obvious cases.

It is already apparent that this, if heard, will be a matter for considerable argument. These are matters which are best dealt with as part of the trial.

Accordingly I decline to hear the plaintiff's application to strike out.

Leave to appeal against the Court's refusal to hear the plaintiff's

summons to strike out granted.

Plaintiff's attorney will use utmost endeavours to have this matters set down before the Court of Appeal during its sitting commencing on 31st July.

Liberty to apply in the event of the matter not coming on during that sitting.

Security for costs of appeal set at \$750.00

Subject to the above cause stayed pending further order of this Court.

Costs of these applications to be costs in the cause.

A handwritten signature in black ink, appearing to read 'G. E. Harre', written in a cursive style.

G. E. Harre  
Chief Justice

17th July, 1995.