

12.7.95

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
 HOLDEN AT GEORGE TOWN, GRAND CAYMAN  
 CAUSE NO. 296/94

IN THE MATTER of a Memorandum of Agreement dated 20th July 1976 (known as the Continental Foundation)

AND IN THE MATTER of a Memorandum of Agreement dated 7th October 1982 (known as the All Foundation)

AND IN THE MATTER of the Trust Law (Revised)

**BETWEEN:**

- (1) BRIDGES TRUST CO. LTD  
 (2) ROBERT N. SLATTER
- Plaintiffs

**AND:**

- (1) THE ATTORNEY GENERAL OF THE  
 CAYMAN ISLANDS  
First Defendant
- (2) EVEN WAHR-HANSEN  
Second Defendant
- (3) COMPASS TRUST CO. LTD  
Third Defendant
- (4) TRANSWORLD TRUSTCOMPANY  
Fourth Defendant
- (5) AALL TRUST & BANKING CORPORATION LTD  
 AND OTHERS  
Fifth to  
Seventy-third Defendants

**BEFORE HARRE CJ**

For the plaintiffs: Mr. Angus Foster  
 For the first defendant: Mr. William Helfrecht  
 For the second defendant: Ramon Alberga Q.C.,  
 with him Mr. Alden McLaughlin  
 For the third defendant: Mr. Nigel Clifford  
 For the twenty fourth to seventy-third defendants: Mr. Steven Barrie

RULING

The plaintiffs and those who have adopted their position acknowledge that they were taken by surprise by my decision with regard to the way Bahamian law which mirrors English Law is to be presented to the court. Mr. Barnett's first affidavit was prepared on a different basis.

They wish to seek leave on the first morning of the trial for an order that they may adduce and rely on further expert evidence by a second expert on the law of the Bahamas insofar as that law is the same as English Law.

The second defendant wants me to abridge time and hear an application for order to the opposite effect now.

The point which I now address is simply whether I should do that. As the second defendant says, it is the plaintiffs who seek a variation of my previous order for directions. Will they be prejudiced by having the matter heard now? As to what extent will the second defendant be prejudiced if it is not?

The second defendant knows perfectly well what the additional expert evidence will be, if it is allowed. If it is, they can be in a position to deal with it quickly. There will be work for this which may be wasted, and a possible costs disadvantage, but I regard that as

de minimis in the context of this case. As well as involving huge amounts of money there are issues of great public interest involved.

Expert evidence is there to assist the court and the court has its own interest in this matter. I mean no disrespect to anyone present today when I say that I believe that this is a matter which is best argued in the context of the trial itself, when all counsel who are seized of that whole matter are present, rather than today at short notice. The court will be able to consider all issues, including any prejudice arising from the timing of the application, then.

I decline to hear the second defendant's summons today.

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

12th July 1995

G.E. Harre

Chief Justice