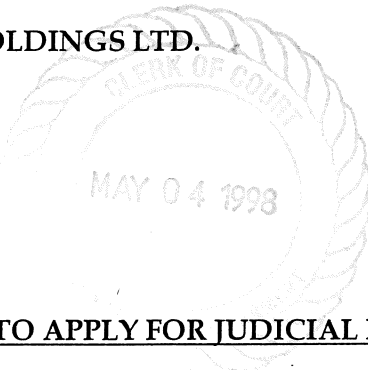


IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 282 OF 1998

BETWEEN:	CORTINA INTERNATIONAL LIMITED (CORTINA VILLAS)	Appellant
AND:	THE CHAIRMAN OF THE PLANNING APPEALS TRIBUNAL	First Respondent
	THE CENTRAL PLANNING AUTHORITY	Second Respondent
	GOVERNOR'S HARBOUR HOMEOWNERS' ASSOCIATION	Third Respondent
	D.G.O. ENTERPRISES LTD.	Fourth Respondent
	LEAD BALLOON HOLDINGS LTD.	Fifth Respondent
	HELEN DAY	Sixth Respondent
	LLIAM DAY	Seventh Respondent
	NEIL PURTON	Eighth Respondent
	MICHELLE KEY	Ninth Respondent



**APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW**

To the Clerk of the Court, Law Courts, George Town, Grand Cayman	
Name, address and description of applicant	Cortina International Limited, of Box 1111, Fourth Floor, West Wind Building, George Town, Grand Cayman, an ordinary resident company
Judgment, order, decision or other proceeding in respect of which relief is sought	A decision of the Chairman of the Planning Appeals Tribunal ("the Tribunal") contained in a letter from the Permanent Secretary, Ministry of Education, Aviation & Planning, to Orren Merren & Company ("Orren Merren"), Quin & Hampson, and Crown Counsel, dated 28 <sup>th</sup> April 1998 <b>WHEREBY</b> with respect to the written application from Orren Merren to the Tribunal dated 23 <sup>rd</sup> April 1998 for an adjournment of the hearing of the planning appeal styled <u>Cortina International Limited v. The Central Planning Authority</u> relating to the proposed development known as Cortina Villas at West Bay Beach North, Block 11C Parcel 181, which had been listed for hearing on 12 <sup>th</sup> and 13 <sup>th</sup> May 1998 <b>IT WAS ORDERED</b> that the hearing be adjourned to a date to be fixed.



Relief Sought	
<ol style="list-style-type: none"> <li>1. An order that the hearing of the application for judicial review be expedited.</li> <li>2. A declaration that the said decision was unlawful.</li> <li>3. An order quashing the said decision.</li> <li>4. An order directing that the hearing of the appeal proceed on 12<sup>th</sup> and 13<sup>th</sup> May 1998.</li> <li>5. Costs.</li> </ol>	
Name and address of applicant's attorneys, or, if no attorneys acting, the address for service of the applicant	<b>Quin &amp; Hampson</b> , Attorneys-at-Law, Third Floor, Harbour Centre, P.O. Box 1348, George Town, Grand Cayman
Signed	Dated: May 1998

### GROUNDS ON WHICH RELIEF IS SOUGHT

#### Background

1. On 18<sup>th</sup> April 1997 the Plaintiff filed an application for planning permission to build 65 apartment units on the land at West Bay Beach North, Block 11C Parcel 181 (**exhibits bundle pages 1-6**). The proposed development was known as Cortina Villas. On 21<sup>st</sup> May 1997 revised plans were submitted in which the proposed development had been reduced to 60 apartment units (**exhibits bundle page 7**).
2. The application was considered at the meeting of the Central Planning Authority on 21<sup>st</sup> May 1997. On 24<sup>th</sup> June 1997 the Plaintiff received written notification of refusal of planning permission (**exhibits bundle page 20-21**). On 3<sup>rd</sup> July 1997 the Plaintiff filed a Notice of Appeal (**exhibits bundle page 22-24**).
3. The hearing date was set for 4<sup>th</sup> November 1997. This was adjourned because the Grounds of Appeal had not been served in time (**exhibits bundle page 35**) and because more time would be required for the hearing of the appeal and the time available on that date was not sufficient (**exhibits bundle pages 36-37**).

4. A new hearing date was set for 27<sup>th</sup> and 28<sup>th</sup> January 1998 (**exhibits bundle page 38**). This was adjourned by consent on the application of Orren Merren as their leading Counsel, Pierre Lamontagne Q.C., had suffered a bereavement.
5. A preliminary hearing was scheduled for 24<sup>th</sup> February 1998 (**exhibits bundle pages 64-65**). By a letter dated 12<sup>th</sup> February 1998 to the Chairman of the Tribunal (**exhibits bundle pages 67-68**) the Plaintiff's then attorneys suggested that the preliminary hearing be used to set a date for the hearing of the appeal. By a letter dated 18<sup>th</sup> February 1998 to the Chairman of the Tribunal (**exhibits bundle pages 70-71**) Orren Merren stated that this step would be premature.
6. The preliminary hearing duly took place on 24<sup>th</sup> February 1998. A provisional trial date was set for 21<sup>st</sup> and 22<sup>nd</sup> April 1998, with service of expert reports by the Plaintiff to take place 6 weeks before the hearing (i.e. on or before 10<sup>th</sup> March 1998). If the Plaintiff was unable to meet this deadline the hearing dates would move to 12<sup>th</sup> and 13<sup>th</sup> May 1998. Both sets of dates were convenient to all parties.
7. For reasons previously communicated to the Tribunal in a letter from Charles Adams dated 28<sup>th</sup> January 1998 (**exhibits bundle page 52-53**), the Plaintiff's expert witnesses were not available to complete their reports by the deadline for the April hearing. The hearing dates therefore moved to 12<sup>th</sup> and 13<sup>th</sup> May 1998 (**exhibits bundle pages 73-75**).
8. By a letter dated Thursday 23<sup>rd</sup> April 1998 to the Chairman of the Tribunal, which was copied to Quin & Hampson, Orren Merren requested an adjournment of the 12<sup>th</sup> and 13<sup>th</sup> May 1998 hearing as their leading Counsel, Mr. Lamontagne, had a conflicting engagement in the Grand Court for the whole of the week commencing 11<sup>th</sup> May 1998 (**exhibits bundle pages 83-84**). The letter indicated that Crown Counsel did not object to the request but that Quin & Hampson had indicated that they would have to take instructions on the matter.

9. By a letter to Orren Merren dated Friday 24<sup>th</sup> April 1998 (**exhibits bundle page 85**), which was copied to the Chairman of the Tribunal, Quin & Hampson confirmed that they were taking instructions, and would look to revert to Orren Merren early the following week.
10. By a letter to Orren Merren, Quin & Hampson and Crown Counsel dated Tuesday 28<sup>th</sup> April 1998 (**exhibits bundle page 86**) the Permanent Secretary to the Planning Ministry ("the Permanent Secretary") wrote as follows: *"I write to advise that the Chairman has agreed to postpone the Cortina Villas appeal as per Mr. Klein's letter dated 23<sup>rd</sup> April 1998"*. The adjournment was confirmed in a letter from the Permanent Secretary to the Chairman of the Tribunal, also dated 28<sup>th</sup> April 1998 (**exhibits bundle pages 87-88**).
11. By a letter to the Chairman of the Tribunal dated Wednesday 29<sup>th</sup> April 1998, which was copied to Orren Merren (**exhibits bundle page 89-91**), Quin & Hampson submitted that the decision to grant the adjournment was in breach of natural justice as it had been made without considering any representations from the Plaintiff, notwithstanding that the Plaintiff's said letter of 24<sup>th</sup> April 1998 indicated that it would be making such representations. The Chairman was invited to reconsider his decision and refuse the application for an adjournment for the various reasons set out in the letter.
12. By a letter to the Chairman of the Tribunal dated Wednesday 29<sup>th</sup> April 1998, which was copied to Quin & Hampson (**exhibits bundle page 93**), Orren Merren indicated that in the event that the decision to allow the adjournment was reopened they would like the opportunity to respond to the letter from Quin & Hampson. In a letter of even date to the Permanent Secretary, which was copied to Quin & Hampson (**exhibits bundle page 92**), Orren Merren indicated that any Tuesday or Wednesday in the next 3 to 4 months would be a convenient date for the hearing except the week of 8<sup>th</sup> June 1998 (and of course 12<sup>th</sup> and 13<sup>th</sup> May 1998).

13. A detailed chronology of the matter in so far as this is relevant to the instant application is annexed hereto as Schedule 1.

### **Grounds**

14. The said decision was unlawful for the following reasons:-

### **Illegality**

15. The decision was illegal in that the Tribunal was inquorate. The Development & Planning Law (1995 Revision) provides that 3 members of the Tribunal shall form a quorum: section 41(2). The Chairman therefore had no authority to adjourn the proceedings on his own and was acting in excess of jurisdiction when he purported to do so.

### **Procedural impropriety**

16. The decision was procedurally improper in that it was made without giving the Plaintiff the opportunity to make representations on the application for an adjournment, notwithstanding that the application was a matter of considerable importance to the Plaintiff. The Plaintiff will rely on paragraphs 8 - 12 above dealing with the correspondence on the adjournment.

### **Unreasonableness**

17. The decision was unreasonable in that no reasonable Tribunal, properly directing itself, could have arrived at such a decision on the merits. Whereas a decision to adjourn a hearing on account of counsel's convenience will not necessarily be unreasonable, this particular decision was unreasonable on account of the following facts and matters:-

### Particulars

- (1) As the Respondent to the appeal is the Crown, none of the objectors are a necessary party to the proceedings. The matter could be determined with the benefit of full argument even if no objectors took any part in the appeal.
- (2.1) At the hearing on 24<sup>th</sup> February 1998 Orren Merren only purported to act for some, not all, of the objectors. Mr. Lamontagne's unavailability will make no difference to those objectors who intend to appear in person.
- (2.2) Only those objectors who filed objections prior to the determination of the application to which the appeal relates or were heard at the hearing of the said application are entitled to appear on the hearing of the appeal: see Appeals Rules 3 and 7(1).
- (2.3) A revised list of those objectors has been prepared by the Permanent Secretary (**exhibits bundle page 73-75**). It will be noted that there are 19 sets of objectors (one of whom, John A. Furze, is deceased).
- (2.4) Orren Merren represents the Third through Ninth Respondents. Only the Third through Fifth Respondents appear in the list of objectors. Therefore the Sixth through Ninth Respondents are not objectors within the meaning of the Appeals Rules and are not entitled to appear on the appeal.
- (2.5) The Third Respondent is the Governor's Harbour Homeowners' Association, an incorporated body. In spite of repeated written requests from the Plaintiff it has hitherto failed to comply with its statutory obligation to allow the Plaintiff to inspect its register of members (**exhibits bundle pages 60-62, 66**). The Homeowners' Association has claimed in a letter dated 6<sup>th</sup> May 1997 objecting to the application that it "*represents all the residents of the Governor's Harbour area*" (**exhibits bundle page 7**). However this position was apparently contradicted by its representative Mark Herbert at the hearing of the planning application as

recorded in the minutes of the hearing: "*Mr. Joseph and Mr. Harris questioned whether Mr. Herbert represented Magellan Quay or all of Governor's Harbour. Mr. Herbert noted that certain owners of Magellan Quay had asked him to represent them*" (exhibits bundle page 17). In the absence of further information the Homeowners' Association appears of questionable provenance and the nature of its purported *locus* remains unclear.

- (2.6) In conclusion, out of 19 sets of objectors, Orren Merren represents, at most, 3 objectors who are entitled to appear at the hearing. In the circumstances little weight should be attached to these objectors' application for an adjournment.
- (3) If Orren Merren's clients wish to participate in the appeal, they will have the benefit of being represented by Norman Klein of Orren Merren, who appeared at first instance and may be taken to be familiar with the case. With both Mr. Klein and Crown Counsel opposing the appeal it cannot be said that there would be an inequality of arms between the parties if the appeal were to proceed as scheduled, particularly given that the Plaintiff has not instructed leading counsel. Even if Mr. Lamontagne were not able to appear in person, he would be able to assist in the preparation of the appeal and to provide written submissions if appropriate. It is, of course, always open to Orren Merren to instruct another counsel.
- (4) It may be difficult to find an early date convenient to all parties. The parties currently involved in the hearing are the Chairman and members of the Tribunal, Crown Counsel, Mr. Lamontagne, instructed by Orren Merren, Quin & Hampson, and 3 expert witnesses instructed by the Plaintiff, one of whom will have to travel from Jamaica to attend the hearing. The Tribunal will rule on the admissibility of their evidence on the morning of the hearing. The inconvenience of finding a new date on which all parties are available is a factor militating against an adjournment.

- (5) An alternative to rescheduling the planning appeal would be to reschedule the judicial review hearing. It is open to Mr. Lamontagne to make an application to do so. The planning appeal was set down first. The possibility of rescheduling the judicial review hearing is at least worth exploring before vacating the date for the planning appeal.
- (6) The Plaintiff has invested more than US\$1.2 million in the purchase of the land which is the subject of the appeal and related costs, and set aside approximately US\$4 million to cover the cost of construction of the development should planning permission be obtained. There is no possibility of any real return on these sums until the determination of the appeal. The estimated sales value of the project is in excess of US\$20 million. The economic detriment to the Plaintiff caused by further delay is a material factor to be weighed when considering the application for an adjournment.
- (7) It has been said that in a planning appeal "*eight months delay is unacceptable*" (per Smellie J. of an appeal from the Tribunal to the Grand Court in *Seven Mile Suites Ltd. v. Appeals Tribunal et al*, Causes No. 637 - 640 of 1997, unreported). This is an appeal against a planning decision which was delivered almost one year ago. It has been dogged by history of delay. There should be no further delay. The matter should proceed forthwith.

DATED 4<sup>th</sup> May, 1998

  
\_\_\_\_\_  
QUIN & HAMPSON  
Attorneys-at-law for the Plaintiff

Filed by Quin & Hampson, Attorneys-at-Law for the Plaintiff herein whose address for service is Third Floor, Harbour Centre, P.O. Box 1348, George Town, Grand Cayman

# **SCHEDULE 1**

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. OF 1998

BETWEEN:	<b>CORTINA INTERNATIONAL LIMITED (CORTINA VILLAS)</b>	Appellant
AND:	<b>THE CHAIRMAN OF THE PLANNING APPEALS TRIBUNAL</b>	First Respondent
	<b>THE CENTRAL PLANNING AUTHORITY</b>	Second Respondent
	<b>GOVERNOR'S HARBOUR HOMEOWNERS' ASSOCIATION</b>	Third Respondent
	<b>D.G.O. ENTERPRISES LTD.</b>	Fourth Respondent
	<b>LEAD BALLOON HOLDINGS LTD.</b>	Fifth Respondent
	<b>HELEN DAY</b>	Sixth Respondent
	<b>LLIAM DAY</b>	Seventh Respondent
	<b>NEIL PURTON</b>	Eighth Respondent
	<b>MICHELLE KEY</b>	Ninth Respondent

CHRONOLOGY

Date	Item	Page
18 <sup>th</sup> April 1997	Planning application for Cortina Villas filed.	1-6
6 <sup>th</sup> May 1997	Letter objecting to the planning application from Governor's Harbour Homeowners' Association, which claims to be " <i>an incorporated body that represents all the residents of the Governor's Harbour area</i> ".	7-12
21 <sup>st</sup> May 1997	Revised drawings for development submitted. Planning application considered at CPA meeting. The minutes record the following exchange: " <i>Mr. Joseph and Mr. Harris questioned whether Mr. Herbert [speaking on behalf of the Homeowners' Association] represented Magellan Quay or all of Governor's Harbour. Mr. Herbert noted that certain key owners of Magellan Quay had asked him to represent them</i> ".	13  14-19 (nb.17)

24 <sup>th</sup> June 1997	Notification of refusal of planning permission.	20-21
3 <sup>rd</sup> July 1997	Notice of appeal.	22-24
8 <sup>th</sup> July 1997	Statement of the Chairman of the CPA of the reasons for the CPA decision.	25-30
25 <sup>th</sup> August 1997	Memorandum of Grounds of Appeal	31-34
7 <sup>th</sup> October 1997	Letter from Permanent Secretary to Charles Adams, Ritchie & Duckworth ("Charles Adams"), the Plaintiff's then attorneys, vacating the 4 <sup>th</sup> November 1997 hearing date for the appeal because the Grounds of Appeal had not yet been served on all the relevant parties: <i>"Considering the late delivery of these documents to Norman Klein and the objectors in this case, the hearing date will have to be postponed until January. This arrangement will allow Mr. Klein and his clients to prepare their case and will ensure that all interested parties are able to attend the hearing"</i> .	35
10 <sup>th</sup> October 1997	Notice from Charles Adams to Permanent Secretary concurring with the adjournment: <i>"it is now clear that the appeal may require two full days and an adjournment would be inevitable"</i> .	36-37
4 <sup>th</sup> November 1997	<b>First hearing date.</b> Hearing adjourned by letter from Permanent Secretary dated 7 <sup>th</sup> October 1997 <i>supra</i> .	see 35
20 <sup>th</sup> November 1997	Letter from Permanent Secretary to the Chairman of the Tribunal confirming that the hearing has been scheduled for 27 <sup>th</sup> and 28 <sup>th</sup> January 1998.	38-39
6 <sup>th</sup> January 1998	Letter from Charles Adams to the Chairman of the Tribunal applying for leave to call expert evidence.	40-41
12 <sup>th</sup> January 1998	Letter from Charles Adams to Orren Merren requesting information regarding the membership of the Homeowners' Association.	see 60
16 <sup>th</sup> January 1998	Letter from the Chairman of the Tribunal to Charles Adams giving the Plaintiff leave to call expert evidence <i>"provided that all parties are advised in advance of the same and are given the opportunity to cross-examine these witnesses at the hearing"</i> .	42
19 <sup>th</sup> January 1998	Letter from Charles Adams to Crown Counsel advising of the identity of the remaining expert witness.	43

21 <sup>st</sup> January 1998	Amended Memorandum of Grounds of Appeal.	44-49
23 <sup>rd</sup> January 1998	Chasing letter from Charles Adams to Orren Merren requesting information of the membership of the Homeowners' Association.	see 60
26 <sup>th</sup> January 1998	Chasing letter from Charles Adams to Orren Merren requesting details of membership of the Homeowners' Association.	see 60
27 <sup>th</sup> - 28 <sup>th</sup> January 1998	<b>Second hearing dates.</b> Hearing adjourned by consent on 27 <sup>th</sup> January 1998 on application of Orren Merren as their leading counsel, Pierre Lamontagne Q.C., had suffered a bereavement.	see 52-53
27 <sup>th</sup> January 1998	Letter from Charles Adams to the Chairman of the Tribunal advising of the grounds on which the Plaintiff seeks to reserve a right of objection to certain persons being permitted to be heard at the hearing of the appeal by the Tribunal.	50-51
28 <sup>th</sup> January 1998	Letter from Charles Adams to the Permanent Secretary, stating: <i>"The adjournment was unavoidable in the circumstances. It has, however, created severe difficulties for the Appellant ... you will appreciate the difficulty of assembling a cast of such a number of persons for a two day hearing (9 a.m. : 1 p.m.)"</i> .	52-53
29 <sup>th</sup> January 1998	Letter from Crown Counsel to Charles Adams stating that the application to arrange a date for the hearing of the appeal seems premature as the question of the admission of expert evidence has yet to be resolved. It is suggested that the matter be argued as a preliminary point.	54-55
30 <sup>th</sup> January 1998	Letter from Charles Adams to Crown Counsel stating: <i>"We regret you should consider our application to arrange a hearing to be premature. Our client company has been occasioned considerable inconvenience and expense as a result of the adjournment which was visited upon it one working day before the substantive hearing. The correctness and necessity to adjourn is unquestioned but it is reasonable for our client to make every effort to secure a new date for hearing of the appeal as soon as possible"</i> .	56-57
3 <sup>rd</sup> February 1998	Letter from Orren Merren to the Chairman of the Tribunal regarding an application by the Plaintiff to adduce fresh evidence at the hearing. Orren Merren suggested a preliminary hearing to determine its admissibility. <i>"It would seem to us that only when these preliminary points are determined may a date for the hearing of the appeal be set"</i> .	58-59
	Letter from Charles Adams to Orren Merren regarding membership of the Homeowners' Association.	60

	Letter from Orren Merren to Charles Adams stating that, as requested, the Plaintiff will be supplied with the register of the list of members of the Homeowners' Association at least 7 days prior to the hearing date.	61-62
4 <sup>th</sup> February 1998	Letter from Charles Adams to Crown Counsel suggesting a pre-hearing meeting with the Tribunal to deal with the various points which have arisen in recent correspondence.	63
9 <sup>th</sup> February 1998	Letter from the Permanent Secretary to the Chairman of the Tribunal confirming that a preliminary hearing has been scheduled for 24 <sup>th</sup> February 1998.	64-65
11 <sup>th</sup> February 1998	Letter from Charles Adams to Orren Merren seeking inspection of the register of members of the Homeowners' Association.	66
12 <sup>th</sup> February 1998	Letter from Charles Adams to the Chairman of the Tribunal submitting an agenda for the preliminary hearing including as item 3 a timetable for the parties to exchange lists of documents, proofs of evidence of witnesses and other pre-hearing matters, and as item 5 that the date for the hearing of the appeal be fixed.	67-68
16 <sup>th</sup> February 1998	Letter from the Permanent Secretary to Crown Counsel and Orren Merren requesting a list of matters which they wish to raise at the preliminary hearing.	69
18 <sup>th</sup> February 1998	Letter from Orren Merren to the Chairman of the Tribunal regarding Charles Adams' letter of 12 <sup>th</sup> February 1998, stating: <i>"We believe that items 3 and 5 are premature"</i> and <i>"It is optimistic to think that we will complete submissions on the issues surrounding the leading of expert evidence by the Appellant, let alone have time to deal with additional matters"</i> .	70-71
20 <sup>th</sup> February 1998	Letter from Quin & Hampson to the Chairman of the Tribunal giving notice that the firm has been instructed by the Plaintiff in place of Charles Adams.	72
24 <sup>th</sup> February 1998	The Tribunal sets a provisional hearing date of 21 <sup>st</sup> and 22 <sup>nd</sup> April 1998 with service of expert evidence by the Plaintiff to take place 6 weeks before the hearing date, (i.e. on or before 10 <sup>th</sup> March 1998). If the deadline for service of expert evidence is not met, the hearing date will move to 12 <sup>th</sup> and 13 <sup>th</sup> May 1998. Both sets of dates are convenient to all parties.	see 73

17 <sup>th</sup> March 1998	Letter from the Permanent Secretary to the Chairman of the Tribunal confirming that the hearing has been scheduled for 12 <sup>th</sup> and 13 <sup>th</sup> May 1998.	73-75
31 <sup>st</sup> March 1998	Service of expert reports and Re-Amended Memorandum of Grounds of Appeal.	76-82
21 <sup>st</sup> and 22 <sup>nd</sup> April 1998	<b>Third hearing date.</b> For reasons previously communicated to the Tribunal in a letter from Charles Adams dated 28 <sup>th</sup> January 1998 <i>supra</i> , the experts were not available to complete their reports by the deadline for the April hearing. The hearing date therefore reverted to 12 <sup>th</sup> and 13 <sup>th</sup> May 1998.	see 52-53, 73
23 <sup>rd</sup> April 1998	Letter from Orren Merren to the Chairman of the Tribunal requesting that the hearing of the appeal be rescheduled to another date. The letter states: <i>"Mr. Stephen Hellman of Quin &amp; Hampson has indicated to me that he will have to take instructions from his client on this matter"</i> .	83-84
24 <sup>th</sup> April 1998	Letter from Quin & Hampson to Orren Merren, copied to the Chairman of the Tribunal. The letter states: <i>"We are taking instructions from our client, as you correctly state, and would look to revert to you early next week"</i> .	85
28 <sup>th</sup> April 1998	Letter from the Permanent Secretary to Orren Merren, Quin & Hampson, and Crown Counsel, stating: <i>"I write to advise that the Chairman has agreed to postpone the Cortina Villas appeal as per Mr. Klein's letter dated 23<sup>rd</sup> April 1998"</i> .	86
	Letter from the Permanent Secretary to the Chairman of the Tribunal, stating: <i>"As per our conversation, I write to confirm the above hearing has been postponed as Mr. Pierre Lamontagne, leading counsel for Orren Merren has to attend a judicial review set for the 11<sup>th</sup> May 1998"</i> .	87-88
29 <sup>th</sup> April 1998	Letter from Quin & Hampson to the Chairman of the Tribunal stating: <i>"We were surprised that a decision was made on Orren Merren's application for an adjournment without considering any representations from the Appellant, notwithstanding that our said letter of acknowledgment indicated that we would be making such representations. This, it is respectfully submitted, is a clear breach of natural justice. Our representations are set out below, and we invite you to reconsider your decision accordingly"</i> .	89-91

Letter from Orren Merren to the Permanent Secretary confirming that Pierre Lamontagne Q.C. and Norman Klein are available any Tuesday Wednesday in the next 3 to 4 months except the week of 8<sup>th</sup> June (and of course 12<sup>th</sup> and 13<sup>th</sup> May).

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Letter from Orren Merren to the Chairman of the Tribunal, stating: *"In the event the Tribunal is minded to reopen the matter of our request for rescheduling and to reconsider its decision granting our request for a new date, as appears now to be the request of Quin & Hampson, we would like to be given the opportunity to respond to the representations outlined in Mr. Hellman's letter, failing which we would look forward to receiving notice of a new date for the hearing"*.

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12<sup>th</sup> and 13<sup>th</sup> May  
1998

**Fourth hearing dates.** They have been vacated by the Chairman of the Tribunal on the application of Orren Merren by letter dated 23<sup>rd</sup> April 1998 *supra*.

see 83-84,  
86-88