

**EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL**

CHAMBER HEARING

24th June 2025

MATTERS DEALT WITH ON PAPER

Before:

The Hon. Mr. Trevor M. Ward, Justice of Appeal

Case Name:

[1] Tomaž Slivnik

Applicant/Appellant

[2] Satay Limited

[3] Helen Bayer Constable

[4] Patrick Constable

[5] Walter Bayer II

[6] Teresa Bayer

**[7] Sunny Days Management
Corporation**

[8] Rhino LLC

[9] Diamont Company N.V.

**[10] Synectics Capital Corp
Limited**

**[11] Ihatsu Fudosan Capital
Limited**

[12] Duna Holdings Limited

[13] Mars Exploration Inc.

[14] Estate of David A. Crowley

[15] Equipment Leasing Ltd

**[16] International Mortgages
Limited**

[17] The Little Ship Company Ltd

**[18] Estate of Raymond
Longbottom**

[19] Marlam Ltd

[20] Monique Baussan

Claimants

v

[1] Martin Dinning (as
Conservator)
[2] Hudson Carr (as Conservator)
[3] Shawn Williams (as
Conservator)
[4] Robert Miller (as Conservator)
[5] Eastern Caribbean Central
Bank
[6] Anguilla Financial Services
Commission
[7] Attorney General of Anguilla
[8] Foreign, Commonwealth and
Development Office

Respondents

[9] National Bank of Anguilla
Limited (in Receivership)
[10] Caribbean Commercial Bank
Limited (in Receivership)

[AXAHCVAP2025/0003]
Anguilla

Date: Tuesday, 24th June 2025

On paper:

Applicant: In person

Respondents: No appearance

Issues: Application for an extension of time to file an
application for leave to appeal - Deem documents
properly filed – Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The applications for an extension of time for
leave to appeal and leave to appeal both filed
on 4th June 2025 are granted.

2. The Documents filed on 4th June 2025 are deemed properly filed.
3. The applicant shall file the notice of appeal within 21days of the date of this order.
4. The appeal shall thereafter proceed in accordance with the relevant provisions of the Civil Procedure Rules (Revised Edition) 2023.

Reason:

In relation to the extension of time application, the Court was of the view that the delay was not inordinate; that the reasons for the delay were good and; that the applicant had a realistic prospect of success on the appeal. The applicant therefore also met the threshold for the grant of leave to appeal set out at rule 62.2(8) of the Civil Procedure Rules (Revised Edition) 2023, given the Court's view that the applicant had a realistic prospect of success on appeal.

Case Name:

**[1] Construction Products Limited
[2] Myles Codrington**

v

Anthony Greer
(as Executor of the Estate of Joseph Jeffers,
deceased)

**[ANUHCVP2024/0033]
Antigua and Barbuda**

Date:

Tuesday, 24th June 2025

On paper:

Applicants:	Ms. Kivinee Knight - Edwards
Respondent:	Mr. Sylvester Carrott

Issues: Application for a stay – Application for consolidation of the appeals

Result / Order: IT IS HEREBY ORDERED THAT:

1. The Consolidation Application, that is, the application to consolidate ANUHCVAP2024/0033, Construction Products Ltd and Myles Codrington v Anthony Greer (as Executor of the Joseph Jeffers, deceased) and ANUHCVAP2024/0032 Anthony Greer (As Executor of the Estate of Joseph Jeffers) v Construction Products Limited and Myles Codrington, is granted.
2. The Stay Application is granted and the execution of the judgment of Byer J dated 7th October 2024 is stayed pending the determination of the appeals in ANUHCVAP2024/0033 and ANUHCVAP2024/0032.

Reason: The Court considered the principles governing the grant of a stay of execution elucidated in C-Mobile Services Ltd. v Huawei Technologies Co. Ltd. BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported) and was of the view, that in all the circumstances of the case, a stay of execution pending appeal should be granted. The Court also considered rule 26.1(2)(b) of the Civil Procedure Rules (Revised Edition) 2023 and the respondent's consent to the consolidation of the appeals and therefore ordered that the appeals in ANUHCVAP2024/033 and ANUHCVAP2024/0032 be consolidated.

Case Name:

Anthony Greer
(as Executor of the Estate of Joseph Jeffers, deceased)

v
[1] Construction Products Limited
[2] Myles Codrington

[ANUHCVAP2024/0032]
Antigua and Barbuda

Date: **Tuesday, 24th June 2025**

On paper:

Applicant: **Mr. Sylvester Carrott**

Respondents: **Ms. Kivinee Knight - Edwards**

Issues: **Application for an extension of time to file a response to the notice of appeal**

Result /
Order: **IT IS HEREBY ORDERED THAT:**
1. The application for an extension of time to file a response in ANUHCVAP2024/0032 is dismissed.
2. No order as to costs.

Reason: **The Court considered rules 62.14 (1), (2) and (3) of the Civil Procedure Rules (Revised Edition) 2023 and that because the transcript of proceedings was not yet available the time for filing skeleton arguments had not yet began to run and in any event, the appellant had not filed any skeleton arguments, therefore an extension of time to file a response was not necessary.**

Case Name: **Marcus Isadore**

v

The Director of Public Prosecutions

**[ANUHCRA2022/0010]
Antigua and Barbuda**

Date: Tuesday, 24th June 2025

On paper:

Applicant: Mr. Lawrence Daniels

Respondent: No appearance

Issues: Application for leave to add further grounds of appeal

Result / Order: IT IS HEREBY ORDERED THAT:
The application filed on 20th May 2025 for leave to add additional grounds of appeal is denied.

Reason: The Court noted that the applicant sought to add further grounds relating the judge's failure/refusal to deliver a written judgment. The Court determined that the basis of the application was misconceived as there was available the transcript of proceedings which recorded the judge's reason for her decision.

Case Name: Leroy Gore
v

[1] Jacklyn Cephas
[2] Kelvin Richards

**[ANUHC2025/0017]
Antigua and Barbuda**

Date: **Tuesday, 24th June 2025**

On paper:

Applicant: **Ms. Saska Diamond**

Respondents: **Mr. George C. Lake**

Issues: **Application for an extension of time to file notice of appeal – Application for stay of execution – Relief from sanctions**

Result / **IT IS HEREBY ORDERED THAT:**

Order: **1. The application for an extension of time for leave to appeal and for a stay of execution filed on 12th May 2025 is refused.**

2. No order as to costs.

Reason: **The Court, in relation to the extension of time application, determined that the delay in seeking the extension was quite inordinate; that the applicant had only made bare assertions as to the reasons for the delay; that the respondents would suffer greater prejudice and that the prospects of success on the appeal were not good. Additionally, having not met the threshold for an extension of time to file an appeal, the question of the stay fell away.**

Case Name: **Ian Hughes**

v

The King

**[ANUHCRA2025/0008]
Antigua and Barbuda**

Date: **Tuesday, 24th June 2025**

On paper:

Applicant:	In person
Respondent:	No appearance

Issues: **Application for an extension of time to file the amended notice of appeal and that the amended notice of appeal be permitted to stand**

Result / Order: **IT IS HEREBY ORDERED THAT:**

- 1. The application for an extension of time to file and serve the amended notice of appeal is granted.**
- 2. The amended notice of appeal filed on 21st June 2024 is deemed properly filed.**
- 3. No order as to costs.**

Reason: **The Court reasoned that it was in the interest of justice that the applicant be allowed to present his appeal.**

Case Name: **Neil Robert Suter**

v

Oceans Forward Inc.

[DOMHCVAP2024/0004]
Commonwealth of Dominica

Date: **Tuesday, 24th June 2025**

On paper:

Applicant:	In person
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Issues:

Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The applicant shall file affidavit evidence and/or written submissions in support of the application for leave to appeal within 14 days of the date of this order.
2. The High Court Registry in Dominica shall assist the applicant in obtaining and filing a settled or approved copy of the order of Master Cybelle Cenac-Dantes dated 5th February 2024.
3. The application is adjourned for further consideration to the next chamber hearing of this Court scheduled for 29th July 2025.

Reason:

The Court noted, inter alia, that that there was no affidavit evidence or submissions in support of the application.

Case Name:

Abel David

v

**The Attorney General of the Commonwealth
of Dominica**

**[DOMHCVAP2025/0003]
Commonwealth of Dominica**

Date:

Tuesday, 24th June 2025

On paper:

Applicant:

Mr. Henry Shillingford

Respondent: **Ms. Juliette Theophile for the Attorney General**

Issues: **Application for an extension of time to file appeal –
Stay of Execution - Relief from sanctions –
Application for appeal to proceed as a summary
appeal and an expedited appeal**

**Result /
Order:** **IT IS HEREBY ORDERED THAT:**

- 1. The applicant shall file and serve a copy of
the approved order of Stephenson J made on
20th March 2024 within 7 days of the date of
this order.**
- 2. The application filed on 17th June 2025
seeking an extension of time to file an appeal,
a stay of execution and other orders is
adjourned for further consideration to the
next chamber hearing of this Court
scheduled for 29th July 2025.**

Reason: **The Court noted that it had not had sight of a copy
of the judgment being appealed against and
therefore could not properly assess the prospects
of success without having seen same.**

Case Name: **[1] Faustina Victor
[2] Faustina Victor
(as Guardian and Next Friend of DENNY THOMAS,
a Minor**

v

Jessie Paul Bruney

**[DOMHCVAP2025/0008]
Commonwealth of Dominica**

Date: **Tuesday, 24th June 2025**

On paper:

Applicant: **Mr. Stephen Isidore**

Issues: **Application for leave to appeal**

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The Registrar of the High Court shall procure a settled and approved copy of the decision of Jawara-Alami, J made on 15th May 2025 forthwith and shall provide a copy of said judgement to this Honourable Court.**
- 2. The application is adjourned for further consideration on the papers pending receipt by the Court of Appeal of the settled and approved copy of the said judgment and upon receipt of same, shall be listed for hearing before a single judge at a date to be determined by the Chief Registrar.**

Reason:

The Court determined that the absence of the written order of the learned judge, which was the subject of the application, directly impacted the court's capacity to accurately determine whether the applicant had a realistic prospect of success of appeal. The application was therefore adjourned to allow for a settled and approved copy of the decision to be procured.

Case Name:

Winston Murray

v

The King

**[GDAHCVAP2013/0003]
Grenada**

Date: **Tuesday, 24th June 2025**

On paper:

Applicant: **Mr. Anselm Clouden**

Respondent: **No appearance**

Issues: **Application for legal aid / state brief to be assigned to an attorney**

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for legal aid filed on 23rd May 2025 is granted.**
- 2. The applicant be assigned counsel from the legal aid roster of legal practitioners kept by the Registrar of the High Court and selected by the Registrar of the High Court to assist the appellant in the conduct of the appeal.**
- 3. The Registrar of the High Court shall furnish counsel selected from the roster, with the Record of Appeal.**
- 4. The Registrar of the High Court shall serve a copy of this order on the applicant within 7 days of the date of this order and provide proof of service thereafter.**

Reason:

The Court was satisfied that the applicant did not in fact have the means to fund his legal representation was further of the view that it was desirable and in the interests of justice that the

applicant should be provided with legal aid.

Case Name:

Warren Cassell

V

The Superintendent of Police

[MNIHCVAP2025/0006]

Montserrat

Date:

Tuesday, 24th June 2025

On paper:

Applicant:

In person

Respondent:

No appearance

Issues:

Application for leave to appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. Unless the applicant files an affidavit in support of the application for leave to appeal within 7 days of being served with this order, the application for leave shall stand dismissed.**
- 2. The application for leave to appeal the order of the Honourable Cottle J filed on 14th March 2025 is adjourned for consideration at the next Chamber Hearing of the Court scheduled for 29th July 2025.**

Reason:

The Court noted that the application for leave to appeal was not accompanied by an affidavit in support.

Case Name:

Charlesworth Piper

v

Montserrat Land Development Authority

[MNIHCVAP2025/0002]

Montserrat

Date:

Tuesday, 24th June 2025

On paper:

Appellant:

In person

Respondent:

Ms. Chivone Gerald

Issues:

Application for security for costs – Application for a stay of execution

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The application for security for costs filed by the respondent/applicant on 27th May 2025 is refused.**
- 2. The application for a stay of execution filed by the appellant on 29th May 2025 is refused.**

Reason:

The Court was of the view that the evidence did not show that the appellant would not be likely to pay the costs of the appeal if ordered to do so. Additionally, in relation to the application for a stay of execution filed by the appellant, the Court determined that appellant had failed to produce cogent evidence that the appeal would be stifled or rendered nugatory unless a stay was granted.

Case Name:

Adrienne Denise Kearney

v

Michael Leslie Winter
(Acting herein and represented by his
Receiver/Curator Lolita Sergio Winter)

[SLUHCVAP2024/0022]
Saint Lucia

Date:

Tuesday, 24th June 2025

On paper:

Applicant:

Mr. Fidel Michel

Respondent:

Ms. Wauneen Louis-Harris

Issues:

**Application for an extension of time to file record of
appeal and skeleton arguments**

**Result /
Order:**

IT IS HEREBY ORDERED:

**The applicant is granted an extension of time
to 6th July 2025 to file the record of appeal
and skeleton arguments.**

Reason:

**The Court was of the view that in all the
circumstances the greater prejudice would lie in
refusing the application.**

Case Name:

Ramsbury Properties Limited

v

Ocean View Construction Limited

**[NEVHCVAP2025/0009]
Saint Christopher and Nevis**

Date: Tuesday, 24th June 2025

On paper:

Applicant: Ms. M. Angela Cozier

Respondent: No appearance

Issues: Application for leave to appeal – Application for a stay of execution

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. Leave to appeal the order of Thompson J dated 30th April 2025 is granted.
2. The applicant shall file a notice of appeal within 21 days of the date of this order.
3. A stay of execution of the order of Thompson J dated 30th April 2025 is also granted pending the hearing and determination of the appeal.
4. The appeal shall thereafter progress in accordance with the provisions of the Civil Procedure Rules (Revised Edition) 2023.

Reason:

The Court considered the principles for leave to appeal as well as for the grant of a stay and was of the view that the applicant had met the threshold for the grant of leave to appeal, in that the intended appeal showed a realistic prospect of success and for the grant of a stay, having regard to the nature of the order being appealed.

Case Name:

[1] Notre Dame Investments Limited

(a registered minority shareholder of BCM International Limited

[2] Angela List

[3] NGUVU Holdings Limited

(formerly BCM Investments Limited)

v

[1] Rowntry Trading Limited

[2] Paul List

[3] BCM International Limited

[NEVHCVAP2025/0007]

Saint Christopher and Nevis

Date:

Tuesday, 24th June 2025

On paper:

Applicants:

Mr. Errol Williams Jr.

Respondents:

Ms. Jean M. Dyer

Issues:

Application for a stay

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The consolidated proceedings in Claim Nos. NEVHCV2021/0194 and NEVHCV2022/0013 are hereby stayed pending the hearing and determination of the appeal NEVHCVAP2025/0007.

Reason: Having regard to the principles governing the grant of a stay in C-Mobile Services Ltd. v Huawei Technologies Co. Ltd. BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported), the Court was of the view that the applicant had met the threshold for the grant of a stay.

Case Name: **BONI (Bank of New Innovation) Ltd**
v

[1] ARC Holdings Company LLC
[2] ARC Star LLC
[3] Trident Trust Company (Nevis)
Limited
formerly known as Meridian Trust
Company Limited
(as Trustee of Star Gate Trust)

[NEVHCVAP2025/0013]
Saint Christopher and Nevis

Date: **Tuesday, 24th June 2025**

On paper:

Applicant: **Mr. Carlyle Rogers**

Issues: **Application for leave to appeal**

Result /
Order: **IT IS HEREBY ORDERED THAT:**
The application for leave to appeal the order of Thompson, J dated 11th March 2025 shall be listed for hearing before the Full Court on a date to be set by the Chief Registrar.

Reason: The Court was minded to refuse the application and therefore set it down for an oral hearing before the Full Court in accordance with the Civil Procedure Rules.

Case Name: Dania Phipps
v

The Director of Public Prosecutions

**[SKBHCRAP2025/0008]
Saint Christopher and Nevis**

Date: Tuesday, 24th June 2025

On paper:

Applicant: In person

Respondent: No appearance

Issues: Application for leave to appeal against conviction and sentence – Application for legal aid

Result / Order: IT IS HEREBY ORDERED THAT:

1. The High Court Registry in St. Kitts and Nevis shall assist the applicant in serving a copy of the minute of conviction and sentence in this matter on the Office of the Director of Public Prosecutions within 7 days of the date of this order and provide proof of service thereafter.
2. The applicant's application for leave to appeal against conviction and sentence filed on 24th April 2025 is granted.

3. The notice of application filed on 24th April 2025 is deemed to be the notice of appeal.
4. The application for the grant of legal aid is granted.
5. The applicant shall be assigned counsel from the roster of legal aid counsel kept by the Registrar of the High Court and selected by the Registrar of the High Court to assist the appellant in the conduct of hearing of the appeal.
6. The Registrar of the High Court shall furnish counsel selected from the roster with the Record of Appeal.
7. The Registrar of the High Court shall serve a copy of this order on the applicant and the Office of the Director of Public Prosecutions and provide proof of service within 14 days of the date of this order.

Reason:

The Court was satisfied that the applicant had met the threshold for the grant of leave to appeal. The Court was also satisfied that the applicant did not have the means to fund her legal representation and that it was desirable and in the interests of justice that the applicant should be provided with legal aid.

Case Name:

**[1] Petrodel Investors Advisers
(Nevis) Limited
[2] Michael Prest**

v

**[1] BNI Holdcorp Ltd.
[2] Nicholas Hoffman
[3] Mark Kucher
[4] BONI (Bank of New Innovation)**

Limited

**[NEVHCVAP2025/0011]
Saint Christopher and Nevis**

Date: **Tuesday, 24th June 2025**

On paper:

Applicants: **Ms. Shari-Ann Walker**

Respondents: **Mr. Benjamin Drakes**

Issues: **Application for leave to appeal – Application for a stay of proceedings pending appeal**

**Result /
Order:** **IT IS HEREBY ORDERED THAT:**

- 1.The application for leave to appeal the order of Thompson J dated 25th April 2025 shall be listed for hearing before the Full Court on a date to be set by the Chief Registrar.**
- 2.The application for a stay of proceedings is refused.**

Reason: **The Court was minded to refuse the application and therefore set it down for an oral hearing before the Full Court in accordance with the Civil Procedure Rules and was also of the view that the applicant had not met the threshold for the grant of a stay.**

Case Name: **Department of Customs
v**

**Malcolm Maduro
(DBA Sunshine Power Boat Rental)**

**[BVIHCVAP2025/0004]
Territory of the Virgin Islands**

Date: **Tuesday, 24th June 2025**

On paper:

Applicant: **Ms. Nicosie R. Dummett, Principal Crown Counsel**

Respondent: **Ms. Mandy Harnarinesingh**

Issues: **Application for an extension of time to file application for leave to appeal – Deem notice of appeal properly filed - Application for a stay of proceedings - Costs**

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

- 1. The amended notice of application for court orders filed on 11th June 2025 wherein the applicant applies for an order to extend the time for filing an application for leave to appeal the wasted costs order of Master Cenac-Dantes is granted.**
- 2. The application for leave filed on 28th February 2025 is deemed properly filed.**
- 3. The applicant is granted leave to appeal.**
- 4. The applicant shall file its notice of appeal within 21 days of the date of this order.**
- 5. The time for compliance with the amended chamber order dated 29th April 2025 directing that certain documents be filed and served on the respondent is extended to 11th June 2025 and are deemed properly filed.**

6. A stay of execution of the wasted costs order of Master Cenac-Dantes dated 26th November 2024 is granted pending the hearing and determination of the appeal.
7. The applicant shall pay the costs of this application to the respondent to be assessed if not agreed within 21 days of the date of this order.

Reason:

The Court being cognizant of the principles for the grant of an extension of time, was of the view that the applicant should be granted an extension of time to file an application for leave to appeal and should also be granted leave to appeal. The Court however was not satisfied that costs of the application should be awarded to the applicant as there were no special circumstances to depart from rule 65.11(3)(b) of the Civil Procedure Rules (Revised Edition) 2023.

Case Name:

Andrey Titarenko

v

Viktor Felixovich Vekselberg

**[BVIHCVAP2024/0026]
Territory of the Virgin Islands**

Date:

Tuesday, 24th June 2025

On paper:

Applicant:

In person

Issues:

Without notice application for permission to apply to quash or set aside orders of the Court of Appeal

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

The application filed by the applicant on 23rd April 2025 for permission to apply ex parte to quash or set aside orders of the Court is refused.

Reason:

The Court was of the view that the application which the applicant sought permission to make was totally without merit and thereby bound to fail in the sense that there was no rational basis on which it could succeed. Consequently, the Court was not persuaded that permission ought to be granted.

Case Name:

Bridge Holdings International Corp.

v

Kiran Taneja

**[BVIHCMAP2024/0025]
Territory of the Virgin Islands**

Date:

Tuesday, 24th June 2025

On paper:

Appellant/Respondent: Ms. Simonette Lewis

Respondent/Applicant: Ms. Jan Alessandrini

Issues:

Application for permission to adduce and rely on fresh evidence - Costs

**Result /
Order:**

IT IS HEREBY ORDERED THAT:

1. The application to adduce and rely on fresh

evidence filed on 15th May 2025 shall be listed to be heard together with the appeal in this matter on a date to be fixed by the Chief Registrar upon the substantive appeal being ready for hearing.

2. The respondent shall file written submissions and authorities in response to the application on or before 15th July 2025.
3. The applicant is at liberty to file a reply to the respondent's submissions on or before 22nd July 2025.
4. The parties are allocated twenty minutes each to make oral submissions in relation to the application.
5. Costs of the application to be costs in the appeal.

Reason:

The Court noted that the applicant had specifically requested that the application be listed for hearing alongside the appeal and was of the view that it was expedient and the common practice of the Court to hear and determine such applications at the time of hearing the appeal.

Case Name:

**Arab Palestinian Investment Company
Ltd.**

v

**[1] Rana Al-Aggad
[2] AICO International EC
(a dissolved company formerly incorporated
in the Kingdom of Bahrain in provisional
liquidation)**

**[BVIHCMAP2025/0015]
Territory of the Virgin Islands**

Date: Tuesday, 24th June 2025

On paper:

Applicant: Mr. Shane Donovan

Respondents: Mr. Daniel Mitchell

Issues: Application for extension of time to appeal –
Application for leave to appeal

Result / Order: **IT IS HEREBY ORDERED THAT:**
The applicant does not require leave to appeal that part of the order of Wallbank, J dated 6th May 2025 which granted declaratory relief and which is already the subject of appeal by the applicant's notice of appeal filed on 27th May 2025.

Reason: The Court noted that order which was sought to be appealed involved declaratory relief which was inextricably linked to injunctions that were granted by the judge in the Commercial Court and therefore according to section 30(4)(b) of the Eastern Caribbean Supreme Court (Virgin Islands) Act, Cap 80, no leave was required to appeal those type of orders.