



Dominica Official Gazette

Published by Authority

VOL. CXXXIX

ROSEAU, THURSDAY APRIL 28, 2016

No. 20

Departmental and Other Notices

IN THE EASTERN CARIBBEAN SUPREME COURT
COMMONWEALTH OF DOMINICA

IN THE HIGH COURT OF JUSTICE
DOMHCV2011/235

Between:

Blaircourt Property
Development Ltd.

Respondent/Claimant

and

[1] Artherton Martin
[2] Dr. Clayton Shillingford
[3] Frederick Baron
[4] Severin Mc Kenzie
[5] Floyd Capitolin
[6] Joan Etienne

Applicants/Defendants

Appearances:

Miss Cara Shillingford for the Appellants/Applicants
Mrs. Heather Felix Evans for the Respondents

2015:

ORAL JUDGMENT

[1] Stephenson J.: This is an application for a stay of enforcement of judgment of the Learned Judge Thomas pending the hearing and determination of

an appeal against his decision to grant damages and exemplary damages.

- [2] As a preliminary point, the respondents ask that the application should be dismissed as being vexatious, oppressive and an abuse of process of the court or in the alternative that the application be stayed pending the outcome of the application before the Court of Appeal.
- [3] The respondent to the application filed an affidavit in support of his application for a stay or dismissal of this application and in his affidavit he says that he was served with a "notice of application for variation of court order and for extension of time pursuant to the Rules 62.16 and 62.16 and 61.16A for a stay of proceedings and affidavit in support of application filed on 22nd June 2015, The documents served on the deponent were exhibited to his affidavit as "RA4",
- [4] The deponent further deposed that he read the documents and understood them to mean that the applicants/appellants applied to the court of appeal for a stay of execution of the judgment and order of 22nd December 2015 which is identical to the relief being sought in the application that is before me.
- [5] Mr. Alexis deposed that he received a notice of hearing of the said application which is set for week commencing 9th November 2015; a copy of the said notice was also exhibited as "RA 5".