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Departmental and Other Notices

IN THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
COMMONWEALTH OF DOMINICA
CIVIL
SUIT NO: DOMHCV2011/0325

Between:

Willem Nico Brouwer
a.k.a Wilco Brouwer — Claimant/Applicant

and

Remy Lawrence Trading
Rejens Services — Defendant/Respondent

Appearances:

Mrs. Heather Felix-Evans of Heather Felix-Evans Chambers for the Claimant/Applicant
Mr. Lennox Lawrence of Lennox Lawrence Chambers for the Defendant/Respondent

2014: September 19th
October 10th
2015: January 27th

DECISION

[1] THOMAS, J (Ag.): Given the number of stages in this matter, it is appropriate to set out a brief history thereof. On 29th May 2013 the claimant obtained judgment against the defendant arising from a fixed date claim form filed on 5th October 2011. In it the claimant sought certain remedies, including an order that the defendant account to the claimant for the sum of EC$138,719.43 being the remaining balance of monies received by the defendant from the claimant for specific purposes, which purposes have been achieved. Also sought was an order for payment by the defendant to the claimant of any sum found to be due from the defendant on the taking of the account under (1) above.

[2] At paragraph 16 of this judgment Justice Brian Cottle ruled as follows:

> "Judgment is entered for the claimant. The defendant will account for the sum of $138,719.43. Upon the taking of the account the defendant will pay to the claimant all sums found due. The defendant will pay to the claimant prescribed costs on the sum found due. The defendant will pay to the claimant interest at the rate of 5% per annum on the sum found due from 5th October 2011, the date of the filing of the claim, until payment."

[3] The order made by Justice Brian Cottle on 29th May, 2013 was entered on the same day. On 5th December 2013 the claimant filed a Notice of Application supported by affidavit sworn to by the claimant/applicant, seeking an order that: