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## Departmental and Other Notices

IN THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT OF JUSTICE  
COMMONWEALTH OF DOMINICA  
CIVIL

CASE No: DOMHCV2010/0159

*Between:*

The Attorney General  
of the Commonwealth of Dominica

*Claimant*

*and*

Kootney Resorts Ltd

*Defendant*

*Appearances:*

Ms. Pearl Williams, State Counsel and Mrs. Tameka  
Hyacinth-Burton, Senior State Counsel of the Attorney  
General Chambers for the Claimant  
Mr. Lennox Lawrence for the Defendant

2014: February 2<sup>nd</sup>, March 3<sup>rd</sup>

2015: June 8<sup>th</sup> (Delivery and recall of judgment)  
July 2<sup>nd</sup>

RECALL OF JUDGMENT

[1] THOMAS, J. [Ag] On 8<sup>th</sup> June, 2015 the court delivered judgment in the matter. After the order was read, the court proceeded to comment on the absence of evidence and submissions from the

defendant whereupon counsel for the defendant conceded as far as the evidence was concerned, but not as to the submissions. He said that submissions were in fact filed whereupon learned counsel for the claimant concurred. In the circumstances the court recalled the judgment in accordance with its powers under the law.<sup>1</sup>

JUDGMENT

- [2] On 10<sup>th</sup> June 2010, the claimant, the Attorney General of the Commonwealth of Dominica, filed a claim form in which Kootney Resorts Limited was named as the defendant.
- [3] The claim is for a total of \$1,393,925.28, being the principal and interest owed by the defendant on a loan advanced to the defendant company. Also costs and other relief which the court deems fit are also prayed.
- [4] In the statement of claim the context of the loan is given as a programme to stimulate private sector investment known as the Economic Citizenship Private Sector Investment Programme.
- [5] At paragraph 3 it pleaded that the defendant through its owners and representatives, Angus

<sup>1</sup> See: In Re Harrison's Share Under Settlement Trust [1955] Ch. 260