



The Court of Appeal for Bermuda

Ref. A/50

Friday, September 13, 2013

CIRCULAR NO: 12 of 2013

TO ALL COUNSEL

COURT OF APPEAL CALENDAR: 4th NOVEMBER 2013 to 22nd NOVEMBER 2013 SESSION

I enclose herewith a Draft Cause List for the forthcoming session. The Honorable President has directed that Appellant(s) and Respondent(s) should be prepared to proceed with their appeals on very short notice at any time during the appeal period, and not only on the listed date. This also applies to these on the "Reserve List" as other appeals may collapse.

- The Draft Cause List constitutes a '*Notice of Hearing*' of the upcoming dates to all involved in the appeals.
- The session will begin on **Monday, 4th November 2013** and will probably end on or about **Friday, 22nd November 2013**. The President of the Court of Appeal has directed me to say that if there are changes to the list, they will be made for the convenience of the Court and not at the convenience of Counsel.
- Appellant(s) (including anyone acting "In Person") are reminded that they are to observe the *Rules of the Court of Appeal* as well as what is set out in this Circular, when submitting further applications or documentation.
- **CIVIL APPEALS:** Counsels are reminded to provide their Submissions and Authorities in accordance with the dates ordered by the Registrar. As the Court of Appeal Judges are travelling from overseas, it is necessary to have all Submissions received in a timely manner. This allows all appeals to proceed expeditiously. Counsels are reminded of **Circular No. 1 of 2007**, wherein only Core Bundles are to be submitted for "big" Civil Appeals. A complete file can be brought to Court for ease of reference should something be required there and then.
- **CRIMINAL APPEALS:** When Notices of Appeal are submitted for Criminal matters, the Notices of Appeal should be accompanied by a letter or a certificate from the Legal Aid Office stating that the Appellant's legal aid coverage is extended to cover the appeal. If the extension of Legal Aid certificate is not received within a month of filing, the appeal process may be delayed until fees are paid or the certificate is presented. (Kindly refer to the *Court of Appeal for Bermuda Rules, Third Schedule*.)
- **Appellants'** Submissions and Authorities must be submitted to the Registry on or before **Friday, 11th October 2013**; the **Respondents'** Submissions and Authorities are to be submitted by close of business on **Wednesday, 23rd October 2013**. This supersedes any and all prior Circulars. The fact that there are negotiations ongoing between the parties is not a good reason for refraining from submitting the Submissions.
- Kindly notify the Court of Appeal Officer when you are ready to file your submissions. This will ensure their receipt, appropriate filing and direction thereafter.
- The Justices have requested that the Authorities provided in the bundles only contain the head note and the relevant pages/passages that are being cited. More than that will be extraneous.
- If there are to be any changes to the filed Submissions, the onus is on the Appellant(s) or Respondent(s) to update their filed documents at the convenience of the Court Officer.
- If an adjournment of an appeal must be sought, the Appellant(s) must notify the Registrar and the Respondent(s) of this intension prior to filing the documents. In no less than **four days** prior to the start of the session, the Appellant(s) must file a Notice of Motion with Affidavit in support to request the adjournment of the appeal and appear before the Court when duly summoned. This does not guarantee that the request will be granted.
- Finally, because of the schedule and the pressure of work that will be on the Court of Appeal Judges while they are here, Appellant(s) are asked to notify the Registrar of the Court and the Respondent(s) as soon as possible if they intend to abandon an appeal. The Notice of Abandonment should be filed shortly after said notification.

Copy: Attorney General's Chambers
Department of Corrections
Director of Public Prosecutions
Legal Aid
Bermuda Bar Association



Registrar of the Court



In The Court of Appeal for Bermuda

DRAFT CAUSE LIST - November 2013

DATES HAVE NOT YET BEEN ASSIGNED - THE LISTING PRESENTED IS ONLY A LIST - NOT AN INDICATION OF ANY ORDER IN WHICH THE APPEALS MAY BE HEARD BETWEEN NOVEMBER 4, 2013 AND NOVEMBER 22, 2013!
PLEASE KEEP YOUR CALENDARS FLEXIBLE!!

CIVIL

The Minister of Finance -v- Bunge Ltd - Civil Appeal No. 4 of 2013 - (NOA against decision 13 March 2013 – Hellman, J) (1)

Attorney-General's Chambers (S Dill) - Appellant
Conyers Dill & Pearman (Lord Pannick QC, B Adamson) - Respondent

Vincent Best v Warren Jensen & The Market Place Ltd - Civil Appeal No. 13 of 2012 - (NOA against decision 28 August 2012 – Kawaley, CJ) (1)

In Person- Appellant
Wakefield Quin (J Pachai) - Respondent

PriceWaterhouseCoopers v Saad Investments Co. Ltd - Civil Appeal No. 3 of 2012 - (Application for Leave to PC)

Conyers Dill & Pearman (P Smith, B Adamson) - Appellants
Attride-Stirling Woloniecki (R Attride Stirling) - Respondents

Barbara Lambert et al v Darnell Todd-Wynn - Civil Appeal No. 1 of 2013 - (NOA against decision 17 January 2013 – Wade-Miller, J) (1)

In Person - Appellant
Wakefield Quin (J Pachai) - Respondent

In the Matter of A Trust - Civil Appeal No. 8 of 2013 - (NOA against decision 12 March 2013 – Kawaley, CJ) (3)

MJM Ltd (A Martin) - Appellant
Conyers Dill & Pearman (N Hargun) – 1st Respondent
leby (Bermuda) Ltd (K Robinson) – 2nd Respondent

Kamal Williams v Bermuda Hospitals Board - Civil Appeal No. 2 of 2013 - (NOA against decision 9 January 2013 – Hellman, J) (1)

Wakefield Quin (J Pachai) - Appellant
Trott & Duncan (A Doughy) – Respondent

Kader Holdings Co. Ltd. v Desarrollo Inmobiliario y Negocios Industriales de Alta Tecnologia de Hermosillo, S.A de CV. - Civil Appeal No. 13 of 2013 - (NOA against decision 9 July 2013 – Kawaley, CJ) (2)

Appleby (Bermuda) Ltd (J Wasty/H Tucker) - Appellant
Conyers Dill & Pearman (S Pearman) - Respondent

CRIMINAL

Brittonie Taylor v R - Criminal Appeal No. 7 of 2012 - (Sentence – Serious Sexual Assault – Greaves, J)

Charter Chambers (M Daniels) - Appellant
DPP - Respondent

Antoine Anderson v R - Criminal Appeal No. 14 of 2012 - (Sentence – GBH with Intent – Greaves, J)

Stewart Law (G Stewart) - Appellant
DPP - Respondent

David Jahwell Cox v R - Criminal Appeal No. 15A of 2011 - (Sentence – Premeditated Murder/Firearm – Greaves, J)

Mussenden Subair (L Mussenden) - Appellant
DPP - Respondent

Glen Willis Brangman v R - Criminal Appeal No. 13 of 2012 - (Conviction – Sexual Assault – Kawaley, CJ)

Mussenden Subair (S Subair) - Appellant
DPP - Respondent

Kevin Andre Warner v R - Criminal Appeal No. 11A of 2011 - (Sentence – Premeditated Murder/Firearm – Greaves, CJ)

Christopher's (E Christopher) - Appellant
DPP - Respondent

Antonio Donovan Dudley Myers v R - Criminal Appeal No. 17 of 2011 - (Sentence – Premeditated Murder/Firearm – Greaves, CJ)

Christopher's (E Christopher) - Appellant
DPP - Respondent

Olice Morgan v R - Criminal Appeal No. 20 of 2013 - (Sentence – Handling firearm/Stolen Goods – Simmons, J)

Mussenden Subair (S Subair) - Appellant
DPP - Respondent

RESERVES

Capital G Bank Ltd v George M Swan et al - Civil Appeal No. 9 of 2013 - (NOA against decision 25 April 2013 – Kawaley, CJ)

Marshall Diel & Myers (K Taylor) - Appellant
Amicus Law Chambers (J Durham) - Respondent

Hiram Edwards v The Minister of Finance - Civil Appeal No. 10 of 2013 - (NOA against decision 5 April 2013 – Hellman, J)

James & Associates (K James) - Appellant
Attorney-General's Chambers (S Dill) - Respondent