



The Court of Appeal for Bermuda

Ref. A/50

Wednesday, 24th April 2013

CIRCULAR NO: 3 of 2013

TO ALL COUNSEL

COURT OF APPEAL CALENDAR: 10th JUNE 2013 to 28th JUNE 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 those 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, 10th June 2013** and will probably end on or about **Friday, 28th June 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 **Wednesday, 17th May 2013**; the **Respondents'** Submissions and Authorities are to be submitted by close of business on **Wednesday, 29th May 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





In The Court of Appeal for Bermuda

DRAFT CAUSE LIST- JUNE 2013

N.B. 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 JUNE 10, 2013 AND JUNE 28, 2013!
PLEASE KEEP YOUR CALENDARS FLEXIBLE!!!

CIVIL

Dilton Robinson -v- Bank of Bermuda

Civil Appeal No. 9 of 2010

(NOA against decision 28 July 2012 – Ground, CJ) (1)

Phoenix Law Chambers (R. Woolridge) - Appellant
Marshall Diel & Myers (T Marshall) - Respondent

LeYoni Junos v Bank of Bermuda

Civil Appeal No. 14 of 2012

(NOA against decision 29 June 2012 – Kawaley, CJ) (1)

In Person- Appellants
Marshall Diel & Myers (K Taylor/T Marshall) - Respondent

Telecommunications (Bda & WI) Ltd et al v Bda Digital Communications Ltd et al

Civil Appeal No. 2 of 2012

(NOA against decision 28 Feb 2011- Ground, CJ) (1)

Attride-Stirling & Woloneicki (N Turner) - Appellants

Mussenden/Subair (L Mussenden) - (R1); Marshall Diel & Myers (Diel/Taylor) - (R2); Liberty Law (S Froomkin/V. Memari) - (R3&R4)

Barbara Lambert et al v Darnell Todd-Wynn

Civil Appeal No. 1 of 2013

(NOA against decision 17 January 2013 – Wade-Miller, J) (1)

Phoenix Law Chambers (P Perinchief) - Appellant
Wakefield Quin (J Pachai) - Respondent

Bermuda Building Services Co Ltd v Dave Gerard Peiris

Civil Appeal No. 15 of 2012

(NOA against decision 4 September 2012 – Wade-Miller, J & 17 September 2012 – Hellman, J) (1)

Charter Chambers (M Daniels) - Appellant
Wakefield Quin (J Pachai) - Respondent

PriceWaterHouseCoopers v Saad Investments Company Limited & Singularis Holdings Ltd

Civil Appeal No. 7 of 2013

(NOA against decision 15 April 2013 – Kawaley, CJ) (2)

CD&P (S Pearman) - Appellant

Attride-Stirling & Woloneicki (R Attride-Stirling) - Respondent

PriceWaterHouseCoopers v Saad Investments Co. Ltd.

Civil Appeal No. 3 of 2013

(Application for Leave to PC) (.5)

CD&P (B Adamson/P Smith) - Appellant

Attride-Stirling & Woloneicki (R Attride-Stirling) - 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)

Mussenden Subair (L Mussenden) - Appellant
Wakefield Quin (J Pachai) - Respondent

CRIMINAL

Derek Spalding v R

Criminal Appeal No. 6 of 2012

(Conviction – Premeditated Murder/Firearm – 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

James Walker v R

Criminal Appeal No. 8 of 2012

(Conviction – Conspiracy to Import – Greaves, J)

C. Craig Attridge - Appellant
DPP - Respondent

Stanford Glenfield Archibald v R

Criminal Appeal No. 3 of 2013

(Sentence— Murder – Wade-Miller, J)

Mussenden Subair (L Mussenden) - Appellant
DPP - Respondent