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COMMONWEALTH OF THE BAHAMAS

IN THE COURT OF APPEAL

SCCivApp & CAIS No. 74 of 2023

Dennis Williams  
Rosalee McKenzie  
(Trustees of The Bahamas Supermarkets Employee  
Retirement Fund)  
Intended Appellants

And

AML Food Ltd  
Intended 1st Respondent

BSL Retirement Plan Ltd  
(Representative of the Beneficiaries of BSL Profit  
Sharing Retirement Plan)  
Intended 2nd Respondent

Whanslaw Turnquest  
Intended 3rd Respondent

ABDAB Properties Ltd  
Intended 4th Respondent

(Extension of Time)

Before: The Hon Madam Justice Crane-Scott, JA  
The Hon Mr Justice Smith, JA  
The Hon Mr Justice Turner, JA

Mr Roger Minnis, Counsel for Intended Appellants  
Mr Marco Turnquest, with Ms Chizelle Cargill,  
Counsel for Intended 1st Respondent  
No appearance by or on behalf of Intended 2nd  
Respondent  
Mr Rouschard Martin, Counsel for Intended 3rd  
Respondent  
No appearance by or on behalf of Intended 4th  
Respondent

6 December 2023

1 The oral judgment of the court was delivered by

2 Crane-Scott, JA:

3 Today this court embarked upon the hearing of the  
4 substantive appeal. Counsel for the appellants, Mr. Minnis,  
5 firstly withdrew a number of his grounds and indicated that he  
6 would only pursue Ground 7, which simply stated that the  
7 judgment is erroneous in law.

8 As he was urging Ground 7, Mr. Minnis then said he  
9 wanted to amend Ground 7 and was basically seeking an  
10 adjournment to do so.

11 The court listened to both parties on the issue  
12 raised by Mr. Minnis and has decided that a formal application  
13 to amend the Notice of Appeal filed ought to be filed on  
14 behalf of the appellants inasmuch as we understand that based  
15 on what Mr. Minnis said, he wishes to expand Ground 7 to  
16 include the matters that he started to raise regarding the  
17 judge's failure to recuse herself at the time she was  
18 considering whether to make the Freezing Order in 2019.

19 Therefore, what the court has determined is to grant  
20 the adjournment and direct that the appellants make a formal  
21 application supported by an affidavit, the application being  
22 to amend the Notice of Appeal and to expand Ground 7 to  
23 identify the error of law.

24 The orders of the court are, accordingly, as  
25 follows:

1                   The appellants are to file and serve a formal  
2 application seeking leave to amend the Notice of Appeal and  
3 Ground 7 by Wednesday, 20th December, 2023. Failure to do so  
4 by this date will result in the dismissal of the appeal.

5                   The respondents may, if they so wish, file any  
6 affidavits in response to the application on or before  
7 Thursday, 11th January, 2024.

8                   The application will be heard on Wednesday, 7th  
9 February, 2024, but prior to that, the appellants' submissions  
10 must be filed and served on or before Wednesday, 17th January,  
11 2024, and the submissions for the respondents are to be filed  
12 and served by Wednesday, 24th January, 2024.

13                   Costs in the sum of \$2,500.00 are to be paid to the  
14 first respondent. Costs in the sum of \$2,500.00 are also  
15 awarded to the third respondent. These fixed costs are to be  
16 paid prior to the resumption of the matter on Wednesday, 7th  
17 February, 2024, and if not paid, the application to amend will  
18 not proceed and will stand dismissed.

19                   This matter is, therefore, adjourned to Wednesday,  
20 7th February, 2024.

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22   Dated this 6th day of December, 2023

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CRANE-SCOTT, JA

25 ss