

1 COMMONWEALTH OF THE BAHAMAS
2 IN THE COURT OF APPEAL
3 SCCivApp & CAIS No. 1 of 2012
4

5 KPMG Inc
6 (In its capacity as the Receiver and Manager of New Life
7 Capital Corp., New Life Capital Investments Inc.,
8 New Life Capital Advantage Inc., New Life Capital
9 Strategies Inc., 1660690 Ontario Ltd., 2126375
10 Ontario Inc., 2108375 Ontario Inc., 2126533 Ontario
11 Inc., 2152042 Ontario Inc., 2100228 Ontario Inc., and
12 2173817 Ontario Inc.)
13 Applicant/Appellant

14 And
15 L. Jeffrey Pogacher 1st Respondent
16 and
17 Paola Lombardi 2nd Respondent
18 and
19 Lexington Consulting Inc. 3rd Respondent
20 and
21 Amarcord International Inc. 4th Respondent
22

23 (Substantive Appeal)

24 Before: The Hon Mrs Justice Allen, President
25 The Hon Mr Justice Blackman, JA
The Hon Mr Justice John, JA
Mr Moree, QC with Ms Diane Stewart and
Ms Justine Smith, Counsel for Appellant
Mr Darron Ellis, with Mr Ian Winder, Counsel for
Respondent

19 July 2012

1 The oral judgment of the court was delivered by

2 Allen, P:

3 Having considered this matter, the grounds of
4 appeal, the submissions for and against the appeal, we allow
5 the appeal and we set aside the decision of the learned judge
6 in full.

7 We grant the costs of the appeal and the costs in
8 the court below to the appellants, to be taxed if not agreed,
9 and we certify the costs fit for two counsel.

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Dated this 19th day of July, 2012

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ALLEN, P

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