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COMMONWEALTH OF THE BAHAMAS

IN THE COURT OF APPEAL

SCCivApp & CAIS No. 9 of 2020

Hong Kong Zhong Qing Development Company Limited

Appellant

And

D. Sean Nottage

First Respondent

And

Squadron Holdings SPV0164HK, Ltd

Second Respondent

(Substantive Appeal)

Before: The Hon Mr Justice Isaacs, JA
The Hon Mr Justice Evans, JA
The Hon Madam Justice Bethell, JA

Mr Ramonne Gardiner, Counsel for Appellant
Ms Gail Lockhart-Charles, with Ms Lisa Esfakis,
Counsel for Respondents

19 January 2021

1 The oral judgment of the court was delivered by
2 Isaacs, JA:

3 This is an application pursuant to Rule 30 of the
4 Court of Appeal Rules seeking a dismissal of the appeal on the
5 basis of the Appellant's failure to abide by the order made by
6 Mr. Justice of Appeal Evans on 13th March, 2020, at which time
7 he determined that the Appellant was to pay \$20,000.00 as
8 security within 14 days of the date of the order; and that if
9 the sum was not paid, the appeal was to be stayed.

10 The affidavit of Ms. Knowles that was read into the
11 record (paragraphs 3 through 5) indicated that the sum
12 mandated to be paid as security was not in fact paid.

13 Pursuant to Rule 30(3):

14 "(3) An order for security for costs shall direct
15 that in default of the security being given within
16 the time limited therein, or any extension thereof,
the appeal shall stand dismissed with costs."

17 On that basis, there being no payment, the appeal is
18 dismissed with costs to the First and Second Respondents, such
19 costs to be taxed if not otherwise agreed.

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21 Dated this 21st day of January, 2021

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ISAACS, JA

25 cn