

THE REPUBLIC OF TRINIDAD & TOBAGO

IN THE HIGH COURT OF JUSTICE

Claim No. CV 2023-01005

**IN THE MATTER OF THE APPLICATION TO THE TELECOMMUNICATIONS
AUTHORITY OF TRINIDAD AND TOBAGO FOR THE GRANT OF A RADIO
LICENCE**

AND

IN THE MATTER OF THE CONSTITUTION OF TRINIDAD AND TOBAGO

AND

**IN THE MATTER OF THE ROME STATUE WHERE TRINIDAD AND TOBAGO IS A
MEMBER STATE SINCE 1999**

BETWEEN

JERMINE RAYMER

Claimant

AND

TELECOMMUNICATIONS AUTHORITY OF TRINIDAD AND TOBAGO

AND RADIO POWER FN 102

Joint First Co-Defendant

Before the Honourable Madame Justice K. Reid

Date of Delivery: 19 April, 2024

Appearances:

The Claimant appearing in person and unrepresented

Mr. Rajesh Ramoutar and Ms. Gem Emmanuel for the First Defendant

The Second Defendant not appearing and unrepresented.

**DECISION ON THE FIRST DEFENDANT'S NOTICE OF APPLICATION TO STRIKE
OUT THE AMENDED CLAIM FORM AND AMENDED STATEMENT OF CASE**

Introduction

1. Although the Telecommunications Authority of Trinidad and Tobago refers to itself throughout its documents as the “Second Defendant,” it is in fact, and has always been, the first named Defendant and so throughout this judgment I shall refer to it as the “First Defendant.”
2. There were initially two Applications before the Court for determination:
 - a. The First Defendant’s Notice of Application filed on 3 October, 2023 to strike out the Claim Form and Statement of Case filed on 4 April, 2023 and Amended Claim Form and Amended Statement of Case filed on 31 May, 2023 pursuant to parts 26.2(1) (a), (b), (c) and (d)¹ Civil Proceedings Rules 1998 as amended (“CPR”); or for summary judgment against the Claimant pursuant to rule 15.2(b) CPR.² The First Defendant sought orders for striking out and for summary judgment on the basis that the claim:
 - i. Does not conform to Parts 73.2, 8.6 or 8.7 of the CPR;³

¹ **26.2 (1) CPR** The court may strike out a statement of case or part of a statement of case if it appears to the court—(a) that there has been a failure to comply with a rule, practice direction or with an order or direction given by the court in the proceedings; (b) that the statement of case or the part to be struck out is an abuse of the process of the court; (c) that the statement of case or the part to be struck out discloses no grounds for bringing or defending a claim; or (d) that the statement of case or the part to be struck out is prolix or does not comply with the requirements of Part 8 or 10.

² **15.2(b) CPR** -The court may give summary judgment on the whole or part of a claim or on a particular issue if it considers that— (b) on an application by the defendant, the claimant has no realistic prospect of success on the claim, part of claim or issue

³ **73.2 CPR** The claimant’s (or in the case of a counterclaim, the defendant’s) **statement of case in a defamation claim** must, in addition to the matters set out in Part 8— (a) give sufficient particulars of the publications in respect of which the claim is brought to enable them to be identified;

- ii. Is vexatious, unmeritorious and an abuse of process of the Court;
 - iii. Discloses no grounds for bringing a claim in defamation or otherwise (as against the First Defendant);
 - iv. That the Claimant has no realistic prospect of success on the claim.
 - b. The Claimant's Notice of Application and Affidavit in Support filed on 10 October, 2023 in which she sought a stay of the proceedings; permission to again amend her Amended Claim Form and Amended Statement of Case, and for the recusal of the Honourable Judge.
3. The Claimant's application was subsequently withdrawn as set out below and she filed a new application on 19 February, 2024 seeking summary judgment against the Defendants.

Brief facts

4. By Fixed Date Claim Form and Statement of Case⁴ the Claimant, a self-represented litigant, alleged that she was defamed by two named radio

(b) where the claimant alleges that the words or matters complained of were used in a defamatory sense other than their ordinary meaning, give particulars of the facts and matters relied on in support of such sense; and

(c) where the claimant alleges that the defendant maliciously published the words or matters, give particulars in support of the allegation.

Claimant's duty to set out his case

8.6 (1) The claimant must include on the claim form or in his statement of case a short statement of all the facts on which he relies.

(2) The claim form or the statement of case must identify or annex a copy of any document which the claimant considers necessary to his case.

Certificate of value (small claims)

8.7 If the amount of any damages claimed is not specified the claim must include a certificate by the claimant or his attorney-at-law that the damages claimed exceed or are likely to exceed \$15,000 or the basis on which it is said that the High Court has jurisdiction.

⁴ Filed on 4 April, 2023

presenters on three radio stations (radio 95.1 FM, 102 FM and 104.7 FM). Her Fixed Date Claim Form was intituled as follows:

“IN THE MATTER OF THE APPLICATION TO THE
TELECOMMUNICATION AUTHORITY OF TRINIDAD AND
TOBAGO FOR THE GRANT OF A RADIO LICENCE

AND

IN THE MATTER OF THE CONSTITUTION OF TRINIDAD AND
TOBAGO

AND

IN THE MATTER OF THE TELECOMMUNICATIONS ACT OF
TRINIDAD AND TOBAGO CHAPTER 47:50 ACT 4 OF 2001

BETWEEN

JERMINE RAYMER *APPLICANT*

AND

TELECOMMUNICATIONS AUTHORITY OF TRINIDAD AND
TOBAGO

RESPONDENT

AND

RADIO 95.1 FM AND RADIO POWER 102 FM AND RADIO 104.7
FM BROADBAND”

5. Her Statement of Case, however, was intituled as follows:

“IN THE MATTER OF THE APPLICATION TO THE
TELECOMMUNICATION AUTHORITY OF TRINIDAD AND
TOBAGO FOR THE GRANT OF A RADIO LICENCE

AND

IN THE MATTER OF THE CONSTITUTION OF TRINIDAD AND
TOBAGO

BETWEEN

JERMINE RAYMER

APPLICANT

AND

TELECOMMUNICATIONS AUTHORITY OF TRINIDAD AND
TOBAGO

RESPONDENT

AND

RADIO 95.1 FM AND RADIO POWER 102 FM AND RADIO 104.7
FM BROADBAND/TONY LEE, EMMETT HENNESY AND LENNOX
SMITH”

6. By way of relief, she sought the following:
 - a. *“A Mandamus compelling the Respondent immediately and on filing of this application do revoke the licenses granted to both Radio 95.1FM and Radio Power 102 FM and Radio 104.7FM with immediate effect;*
 - b. *An Injunction preventing Emmett Hennessey and Tony Lee otherwise known as Antony Lee-A-Ping from the broadcasting of anything concerning the Applicant or having anything to do with the Applicant;*
 - c. *An Injunction from defaming and slandering the good name of the Applicant on the Radio or anywhere in public;*
 - d. *A Declaration that the proceedings be a contempt of court proceedings against the Liscencees (sic);*
 - e. *Permission to proceed by Statement of Case;*
 - f. *Costs to be paid by the Raidon (sic) Stations/Telecommunications Authority of Trinidad and Tobago.”*
7. The Claimant’s pleadings were scandalous and incoherent and she continuously referred to the First Defendant as the “Second Defendant” and “the Respondents” interchangeably.

8. In any event, in her Statement of Case, the Claimant averred that:
- i. The First Defendant was being sued along with the radio stations because it granted the licence to the said radio stations, which allowed them to broadcast obscene language and insults directed to the Claimant.
 - ii. The statements made by the named radio presenters constituted abusive crimes against humanity and the International Criminal Court (“ICC”/“Interested Party”) has jurisdiction over these crimes.
 - iii. *“Part of the complaints filed at the ICC are the crime of looking into someone house and calling out verbatim over the radio station what is occurring in the house, The Respondents would have been indulging in such behavior from sometime in January 2023.”*
 - iv. She filed claims at the offices of the Director of Public Prosecutions for these offences against other persons *“being in a certain class of Land Settlement Agency Squatters (sic) Regularization Programme.”*
 - v. The International Criminal Court has jurisdiction over crimes against humanity, atrocities and abusive crimes, which are not provided for under the laws of Trinidad and Tobago but *“it is that by the Rome Statue Trinidad and Tobago is a member state.”*
 - i. She filed a report of these crimes to the ICC which was acknowledged on 6 February, 2023 and claimed that “these crimes” were being investigated by the ICC.
 - ii. Her constitutional rights were being breached by the Defendants which she alleged were *“viewing the Applicant and her child without her permission and calling out the actions of both the Applicant and her then minor child on the Radion (sic) station for the public to listen;”*

- iii. That the First Defendant and certain named radio presenters made defamatory remarks about the Claimant broadcasted on the radio, which she set out and which consisted of a number of bizarre, expletive-laden statements.
 - i. She wrote to the Airports Authority of Trinidad and Tobago and the Ministry of National Security about these occurrences on several occasions and was told to report the same to the police.
 - ii. That the Defendants were in contempt of court and the Board of the First Defendant should be committed to prison for breaches by the radio station.
9. At the first Case Management Conference (“CMC”) on 28 April, 2023, the Claimant appeared unrepresented. The Court indicated to the Claimant that if she intended to proceed against the various radio stations she was required to properly name the actual legal entities who owned the said radio stations and to whom the actual radio licences were granted and to serve those legal entities with the proceedings; and that if she intended to proceed against the radio presenters she has named, she was required to serve the proceedings upon them. The Claimant sought leave to amend her Claim Form and Statement of Case. Leave was granted to the Claimant to do so and the court further advised the Claimant to retain legal representation. The matter was adjourned to 12 July, 2023.
10. On the 31 May, 2023, the Claimant filed an Amended Fixed Date Claim and Amended Statement of Case. Her amended pleadings were now intituled as follows:

“IN THE MATTER OF THE APPLICATION TO THE TELECOMMUNICATION AUTHORITY OF TRINIDAD AND TOBAGO FOR THE GRANT OF A RADIO LISCENCE

AND
IN THE MATTER OF THE CONSTITUTION OF TRINIDAD AND
TOBAGO

AND
IN THE MATTER OF THE ROME STATUTE WHERE TRIIDAD AND
TOBAGO IS A MEMBER STATE SINCE 1999

BETWEEN
JERMINE RAYMER *APPLICANT*
AND
TELECOMMUNICATIONS AUTHORITY OF TRINIDAD AND
TOBAGO AND RADIO POWER FN 102
JOINT FIRST CO
RESPONDENT

AND
THE INTERNATIONAL CRIMINAL COURT
INTERESTED PARTY”

11. The Claimant removed RADIO 95.1 FM, RADIO 104.7 FM BROADBAND, TONY LEE, EMMETT HENNESY AND LENNOX SMITH as Defendants. The Claimant in her amended claim sought similar relief as in her original claim, except that the injunction she sought at (b) was directed only at radio presenter Tony Lee, even though he was no longer a named defendant, and she sought damages of “One Hundred Million Dollars” and special and consequential damages of “Ten Million Dollars.”
12. Her Amended Statement of Case included further particulars reflecting various dates and times when a litany of statements riddled with obscenities were allegedly broadcasted by Tony Lee about the Claimant. She also claimed that she wrote to the Office of the President of Trinidad and Tobago about these events. Her Amended Statement of Case contained allegations of impropriety about named members of the legal profession; of hearing obscene language and vulgar

statements directed to her over the radio station and alleging that persons were observing her in her home and broadcasting what she was doing “verbatim” over the radio. She called for the suspension and the resignation of the Board of the First Defendant and claimed that those persons committed war crimes; that *“the police’s failure to apprehend the defendants shows that there is a state of emergency”*, that *“Trinidad and Tobago are in War”* and chastised the President for failing to call a state of emergency because of these “crimes.”

13. In support of her case, the Claimant attached a continuous thread of emails sent during the period 5 April to 8 April, 2023 to Mr. Karel Douglas, Executive Officer of Legal Enforcement at the First Defendant, in which she stated that she was being harassed and defamed publicly over the air waves, together with the other letters of acknowledgment from the ICC and from the Office of the President. She served the amended claim on the First Defendant on 5 July 2023, just days prior to the second CMC.
14. It is also relevant to note that although the Claimant intitled her claim with a reference to the matter being one relating to the Constitution, she did not seek any constitutional relief and she neither identified which section(s) of the Constitution were alleged to have been breached nor supplied any particulars showing how any of her constitutional rights were being breached by the Defendants.
15. At the hearing on 14 July 2023, the Claimant again appeared in person and indicated that she had served the First Defendant on 5 July, 2023. The Court again indicated to the Claimant that she was required to serve the radio station if she intended to proceed against it and that she had four (4) months in which to do so from the date she first filed her claim in April, 2023. The Court also indicated to the Claimant that she was required to satisfy the Court that it had jurisdiction over the ICC and that she was also required to apply for permission to serve the

ICC out of the jurisdiction. The matter was adjourned to 13 October, 2023.

16. The First Defendant filed its Defence on 5 September, 2023 pleading as follows:

- a. *“The Claimant’s claim ought properly to be struck out.*
- b. *Power 102FM is not an entity known to it and holds no concession/licence from the First Defendant.*
- c. *Prior to the commencement of these proceedings, the First Defendant was unaware of the Claimant’s complaints, which it has since been unable to substantiate.*
- d. *The First Defendant’s complaint procedure is initiated when a person lodges a formal complaint containing particulars of the offending content, including the date and time when the offending material was allegedly broadcast. This is investigated and a copy of the recording retrieved to determine whether there has been a breach. Representations are also sought from the broadcasters involved. All material is considered and a determination is made and sanctions imposed, if appropriate. All parties are then notified.*
- e. *The Claimant has never made such a complaint. In any event, the First Defendant has been unable to validate any of the utterances complained about by the Claimant in these proceedings.*
- f. *The First Defendant has never conducted any surveillance on the Claimant nor has it engaged in any discussion regarding the Claimant on the radio or otherwise.”*

17. The Claimant filed a Notice discontinuing her claim against the ICC on 9 October, 2023 and then filed her application dated 10 October, 2023 for the stay of proceedings, recusal of the Court and to again amend her claim. Also on 10 October, 2023, the Claimant via email sent to the

Court a letter requesting an adjournment for the hearing scheduled for 13 October, 2023 for reasons that were unclear. She also annexed what purported to be a submission to the ICC that the Court refused to grant a restraining order notwithstanding the war crimes and crimes against humanity being committed against her and alleging that persons were reading her mind. The Claimant was notified by return email that unless the matter was vacated she was required to attend Court on 13 October, 2023 as directed.

18. On 13 October, 2023, prior to the hearing, the Claimant notified the Court via email that she "*find(s) the court process burdensome*" and would not be appearing. At the case management hearing on 13 October, 2023, the Defendant was present but the Claimant indeed did not appear. Nevertheless, the Court directed the Claimant and the First Defendant to each file an Affidavit in Response to the other party's application by 31 October, 2023 and to file and exchange submissions with authorities in relation to the applications by 30 November, 2023. Both applications were fixed for hearing on 15 December, 2023 and it was specifically stated in the order that the applications would be dealt with on the date fixed for hearing whether or not the Claimant appeared. The Claimant was duly notified of the Court's order via email.
19. The First Defendant duly filed its Affidavit in Opposition on 31 October, 2023. The Claimant failed to do so but filed an application on 1 November, 2023 seeking an extension of time to file her Affidavit in Response to 30 November, 2023.
20. By order of 14 November, 2023, the Court extended the time for the filing of the Claimant's Affidavit in Response to 30 November, 2023, extended the time for the parties to file and exchange submissions with authorities to 12 January, 2024, vacated the hearing of the applications that was fixed for 15 December, 2023 and fixed a new hearing date of 22 February, 2024.

21. The Claimant filed neither an Affidavit in Opposition nor submissions. The First Defendant, however, duly filed its submissions with authorities on 12 January, 2024 both in support of its own application and in opposition to the Claimant's application.
22. In response to this, the Claimant filed an application later on 12 January, 2024 seeking a further extension of time to file her Affidavit in Response and submissions to 15 January, 2024. The Court did not receive notice of this application. In any event, the Claimant did not file any affidavit or submissions on 15 January, 2024.
23. Instead, on 19 January, 2024, the Claimant filed a notice withdrawing her application filed on 10 October, 2023 and filed a further application seeking summary judgment against the Defendants on her claim on the basis that the Defence filed by the First Defendant disclosed no ground for defending the claim and had no realistic prospect of success.
24. Finally, on the eve of the hearing on 21 February, 2023, the Claimant filed an Affidavit in Opposition that could only be described as prolix, scandalous and oppressive together with similar legal submissions and authorities. As a result, on 22 February, 2024 a final adjournment of the hearing of the applications was granted to 8 March, 2024 and both parties were advised that the applications would be heard on that date.
25. At the hearing on 8 March, 2024, the Claimant again did not appear. Given the number of adjournments and extensions of time that had been previously granted owing to the failure of the Claimant to attend Court or to comply with the Court's orders, the hearing of the applications proceeded in the Claimant's absence. The matter was then adjourned for decision.
26. While preparing this decision, the Claimant filed a further affidavit on 5 April, 2024.

The First Defendant's Application

27. As set out above, the First Defendant's application sought to strike out the Claimant's claim on every ground under Part 26.2(1) of the CPR. The basis of the application, as set out in the grounds thereof and in the affidavit of Gem Emmanuel filed in support thereof can be summarised as follows:

- a. The Claimant's pleadings do not comply with the provisions of the CPR in that:
 - i. It fails to properly plead or particularise any claim against the First Defendant since the crux of her claim appears to be in defamation or breach of privacy and none of the allegations made involve any actions by any servant and/or agent of the First Defendant.
 - ii. No sufficient particulars of defamation or publication are pleaded as is required by Part 73.2 of the CPR.
 - iii. The claim is vexatious, unmeritorious, incoherent and an abuse of process.
 - iv. The claim does not set out the provisions of the Constitution nor the provisions of the **Telecommunications Act, Chap 47.31** ("the Act"), which she alleges has been breached.
 - v. The pleadings disclose no basis upon which an order of mandamus can be made against the First Defendant.
 - vi. The claim against the First Defendant has no realistic prospect of success.

28. To describe the Claimant's Affidavit in Opposition filed on 21 February, 2024 as incoherent does not, in my view, give a sufficiently accurate description of how truly rambling, disjointed and incomprehensible the document is. From what this Court is able to decipher, the Claimant alleges as follows:

- a. The First Defendant is sued jointly with Radio Power 102 (the Second Defendant) and is responsible for the Second Defendant under the Act and under the United Nations Convention on International Telecommunications.
- b. The documents in the claim were alleged to have been served on radio announcer Tony Lee, also known as Anthony Lee A Ping, on behalf of the Second Defendant and the Claimant exhibits as “JR1” to her affidavit an email dated 4 April, 2023 sent to omatie.lyder@trinidadexpress.com, news@newsday.co.tt, derekachong@gmail.com, lizwilliamsn@hotmail.com, celia@clcommunications.com, lovelaventille@gmail.com, marlon.miller@trinidadexpress.com, p102news@gmail.com, curtos.rampersad@trinidadexpress.com, derek.achong@guardian.co.tt, newscentre5@gmail.com, ehackshaw@newsday.co.tt and Mr. Karel Douglas of the First Defendant. The body of the email is addressed to Mr. Douglas and purports to effect service of the claim on the First Defendant, Anthony Lee A Ping Power 102, Radio 95 Emmett Hennessey and Radio 104.7 Lennox Smith. (It must be noted that currently there are only two named Defendants to the claim – the First Defendant and Radio Power 102 FM. There is no indication that any of these email addresses were proper addresses for service on the purported Second Defendant and no Affidavit of Service has been filed by the Claimant, nor has any appearance been entered on behalf of the purported Second Defendant.)
- c. The First Defendant’s application does not disclose any evidence in support of its defence.
- d. The Second Defendant is not acting in good faith and is a known entity being sued jointly and severally. The Second Defendant

did not file an appearance or defence entitling the Claimant to judgment in default.

- e. The First Defendant filed a defence on behalf of themselves and the radio stations which did not challenge the amended claim, thereby entitling the Claimant to summary judgment.
- f. The defence did not disclose a defence on behalf of the Second Defendant or state that the comments made on the radio were fair or justified.
- g. The defence, application and affidavit are untrue.
- h. The First Defendant has not provided copies of the broadcasts for the dates and times claimed to show that the comments did not exist.
- i. There is a conspiracy of fraud.
- j. The Claimant itemizes an extensive list of the dates and some of the times of certain statements allegedly made by Tony Lee of Power 102 on the radio.
- k. Criminal charges were filed by the Claimant in the ICC against the Board of the First Defendant and the Second Defendant. These crimes were crimes against humanity and war crimes. She exhibits as "JR2" what purports to be an electronic form sent to the Metropolitan Police of the United Kingdom reciting the alleged defamatory statements and stating that "*THIS CONSIST VILENCE (sic) ON THE RADIO WAVES CAUSED PARTIES TO ABDUCT AND SEXUALL MOLEST AN ADULT OF TWENTY SIX YEARD (sic) OLD AND A INOR (sic) OF SEVEN YEARS NAMED SOMER SMITH*". The purported report also referred to a report she purportedly filed at the ICC and the United Nations Security Council and names over twenty-five (25) suspects including the Board of the First Defendant, Tony Lee and Gilbert Peterson SC.
- l. The First Defendant can revoke radio licences, even that of "Radion (sic) Station Power 95.5".

- m. That any disparity between local law and international law must be decided by International Law and that *“the jurisdictions of the International Law seems applicable given the circumstances of the criminal jurisdiction adopted within the local context of Parliament with the relevant Rome Statute adopted.”*
- n. The First Defendant had two meetings with the Claimant prior to the filing of her Amended Claim Form and Amended Statement of Case so they knew about the grievousness and did nothing about it. In the meetings they heard the defamatory comments. *“It was outwardly spoken for all to hear and save and except that they suffer from deafness they would have heard and been privy to the slander and defamatory comments and did nothing to stop same.”*
- o. The mere fact of filing the claim was sufficient proof of defamation and slander and just because the First Defendant could not see it in its system does not mean it is not there.
- p. She has read the law and although there is a procedure for making complaints from their licenced concessionaires, the First Defendant did not write to the Claimant or send her any complaint form for her to make a complaint. This would not have been sufficient, though, because there is no provision for compensation for complainants. Even while the matter is before the Court, the Defendants and their concessionaires still make defamatory comments about the Claimant so the complaint process would not be an effective deterrent. The Claimant exhibits as “JR3” a string of emails between herself and Mr. Douglas between 2 August and 17 September, 2023 making complaints about alleged defamatory and threatening statements made by Tony Lee at various dates and times on the radio as asking that the audio recordings for those days be “pulled” and sent to her.

- q. The Defendants have no good defence since being a stranger is not a proper defence to a claim in defamation and neither is deafness. The Defence does not plead fair comment, justification or that the statements were made in the public interest and the denial of the existence of the statements is not a defence to her claim in defamation. As such, the Claimant is entitled to summary judgment.
- r. The Claimant is the political leader of the Trinidad Tobago Movement and the defamatory comments have damaged her reputation; have caused her anxiety and stress leading her to hospitalize her son; and increased violence and crime in her area causing persons to come to her house to steal a kettle, a pair of jeans and a skirt. As such, she is entitled to damages. The Claimant exhibits at "JR4" a letter written by her as political leader of the Trinidad Tobago Movement dated 12 January, 2023 to the International Telecommunications Union, Switzerland advising of the charges she filed at the ICC for "*war crimes, crimes against humanity, rape, sexual molestation of minors and other crimes*" and calling for the suspension and termination of the Union for allowing the radio stations to broadcast war crimes, rape, torture and sexual molestation of minors.

29. This affidavit was also used in support of the Claimant's application for summary judgment on the ground that the defence filed disclosed no defence with a realistic prospect of success.

30. In her latest affidavit filed on 5 April, 2024, the Claimant averred that:

- a. Despite repeatedly requesting that the First Defendant request that their "client" cease from defaming the Claimant on the radio, there was no compliance with her request by the First Defendant or their "clients".

- b. By email of 8 March, 2024, she requested from Mr. Douglas a list of all persons attached to every radio station in Trinidad and Tobago but that Mr. Douglas responded that the First Defendant did not keep a list of the employees of concessionaires and were thus unable to provide the same.

Issues

31. Consequent upon the Claimant filing the notice withdrawing her application filed on 10 October, 2023, the only issues that remain are:
 - i. Whether the claim should be struck out as against the First Defendant pursuant to Part 26.2(1) of the CPR.
 - ii. Whether the Claimant is entitled to summary judgment on her claim.
 - iii. Costs.

Issue 1: Whether the claim should be struck out as against the First Defendant pursuant to Part 26.2(1) of the CPR?

Striking out the statement of case as an abuse of process

32. It is incontrovertible that the Claimant's pleadings do not accord in any way with the provisions of the CPR. The Claimant's Fixed Date Claim is intituled as being "*In the matter of the Constitution of Trinidad and Tobago,*" *inter alia*. However, she seeks no relief in relation to any breaches of any of her constitutional rights, nor does she reference in her pleadings that any particular section of the Constitution has been, is being or will be breached. On the contrary, what she seeks, *inter alia*, is an order of mandamus directing the First Defendant to revoke the radio licence granted to "Power 102FM" and damages presumably for defamation, if paragraph 55 of her Amended Statement of Case is generously construed.

Part 56 of the CPR

33. Insofar as claims for administrative orders are concerned, Part 56 of the CPR prescribes how such claims are to be commenced. The relevant rules are as follows:

“56.1 (1) This Part deals with applications-

(a) for judicial review (which includes mandamus, prohibition and certiorari);

*(b) by way of originating motion under s.14(l) of the **Constitution;***

(c) for a declaration in which a party is the State, a court, a tribunal or any other public body; and

(d) where the court has power by virtue of any enactment to quash any order, scheme, certificate or plan, any amendment or approval of any plan, any decision of a minister or government department or any action on the part of a minister or government department.

(2) In this Part such applications are referred to generally as "applications for an administrative order".

56.3 (1) No application for judicial review may be made unless the court gives leave.

(2) An application for leave may be made without notice.

(3) The application must state-

(a) the name, address and description of the applicant and respondent;

(b) the relief including in particular details of any interim relief sought;

(c) the grounds on which such relief is sought;

(d) the applicant's address for service;

(e) whether an alternative form of redress exists and, if so, why judicial review is more appropriate or why the alternative has not been pursued;

(f) details of any consideration which the applicant knows the respondent has given to the matter in question in response to a complaint made by or on behalf of the applicant;

(g) whether any time limit for making the application has been exceeded and, if so, why; and

(h) whether the applicant is personally or directly aggrieved by the decision about which complaint is made; or

(i) where the applicant is not personally or directly aggrieved, what public or other interest the applicant has in the matter; and

(j) the name and address of the applicant's attorneys (if applicable).

(4) The application must be verified by evidence on affidavit which must include a short statement of all the facts relied on.

(5) The applicant must file his application for leave and affidavit not later than the day before the application is to be heard unless the court otherwise orders.

56.7 *(1) An application for an administrative order must be made by a fixed date claim identifying whether the application is-*

(a) for judicial review;

*(b) under section 14(1) of the **Constitution**;*

(c) for a declaration; or

(d) for some other administrative order (naming it).

*(2) The claim form in an application under section 14(1) of the **Constitution** shall serve as the originating motion mentioned in that section and shall be headed "Originating Motion".*

(3) The claimant must file with the claim form an affidavit.

(4) The affidavit must state-

(a) the name, address and description of the claimant and the defendant;

(b) the nature of the relief sought identifying-

(i) any interim relief sought; and

(ii) whether the claimant seeks damages, restitution or recovery of a sum due or alleged to be due,

setting out the facts on which such claim is based and, where practicable, specifying the amount of any money claimed;

*(c) in the case of a claim under s. 14(1) of the **Constitution**, the provision of the Constitution which the claimant alleges has been, is being or is likely to be breached;*

(d) the grounds on which such relief is sought;

(e) the facts on which the claim is based;

(f) the claimant's address for service; and

(g) the names and addresses of all defendants to the claim.

(5) The general rule is that the affidavit must be made by the claimant or where the claimant is not an individual by an appropriate officer of the body making the claim.

(6) If the claimant is unable to make the affidavit it may be made by some other person on his behalf but must state why the claimant is unable to make the affidavit.

(7) On issuing the claim the court office must fix a date for a case management conference which must be endorsed on the claim form.

(8) The general rule is that the case management conference must take place no later than four weeks after the date of issue of the claim.

(9) However, any party may apply to a judge in chambers for that date to be brought forward or for an early date to be fixed for the hearing of the application for an administrative order.

(10) The application may be without notice but must be supported by evidence.”

34. Even if the Court were minded to overlook certain defects in procedure because the claim was filed by the Claimant acting in person, such as the filing of a Statement of Case instead of an affidavit, there are several critical, and in my view, fatal defects which cannot be overlooked. Insofar as the Claimant’s claim may purport to be a constitutional motion, she does not seek any relief in respect of breaches of any of her constitutional rights and she wholly fails to identify any section of the Constitution that is purported to be breached or state how any act or default of the Defendants is alleged to have breached any such section. This, in my view, is fatal to any claim seeking relief under the Constitution. The Claimant simply has not advanced any claim for constitutional relief, identified or otherwise, in these present proceedings.

35. Insofar as her claim seeks an order of mandamus, it is clear that this relief is one that falls squarely within the realm of judicial review as set out in Part 56.1(1)(a) of the CPR. That being the case, in order for the Claimant to have brought a claim, she was required to first file an application for leave to make a claim for judicial review as is prescribed

in section 6(1) of the **Judicial Review Act, Chap. 7:08**⁵ and in Part 56.3 of the CPR as set out above. She has not done so. In my view, her claim in this regard is a nullity.

36. I also find this to be so even having regard to the provisions of Part 56.6 of the CPR which provides as follows:

“(1) This rule applies where a claimant issues a claim for damages or other relief other than an administrative order but where the facts supporting such claim are such that the only or main relief is an administrative order.

(2) The court may at any stage direct that the claim is to proceed by way of an application for an administrative order.

*(3) Where the appropriate administrative relief would be by way of judicial review the court may give leave for the matter to proceed as if an application had been made under **rule 56.3**.*

(4) If the court makes a direction under paragraph (2) it must give such directions as are necessary to enable the claim to proceed under this Part.”

37. In my view, Part 56.6(1) limits the applicability of that rule to cases in which a claimant makes a claim that is not a claim for an administrative order. It does not apply to claims made seeking administrative orders. Boodoosingh J, as he then was, in **CV2012-01599 Brian Bisnath v Attorney General** stated the following at paragraphs 25-27 of the judgment:

“25. Further, the case of Kevin John v The Attorney General, CV2011-02678 does not support the claimant’s case. Those proceedings were brought by way of ordinary claim and

⁵ Section 6(1) of the Judicial Review Act provides that: “No application for judicial review shall be made unless leave of the Court has been obtained in accordance with Rules of Court.”

although there was an allegation of breach of natural justice, the reliefs sought were those traditionally sought by writ. The claimant did not seek orders required to be sought by way of judicial review, as is the case here. For this reason Dean Armorer J. dismissed the defendant's application to strike out the claim on the ground of abuse of process. The judge held however at paragraph 8 of her judgment that "as a matter of principle, the court will find the presence of an abuse of process where the claimant complains of a public authority's infringement of public law rights by way of an ordinary action." (See paragraphs 8 and 9 of the judgment).

26. This is in fact what has occurred in this present action.

*27. I do not think that the court's power to convert an ordinary claim to continue as one for an administrative order under CPR Part 56.6 or section 13 of the Judicial Review Act was intended to cover circumstances such as these where the period of delay is so long **and it ought to have been clear that the remedies being sought were public law remedies from the very start.**"*

38. This is all the more so when, as in the present case, the prerogative remedy of mandamus had been sought from the outset by way of ordinary claim. In my view, the requirement for a claimant to first seek the leave of the Court before bringing a claim for judicial review would be rendered nugatory if a claimant were able to simply file a claim seeking judicial review reliefs without first obtaining leave and then simply implore the Court to utilise the provisions of Part 56.6 to retroactively cure that fundamental defect by converting the proceedings.

39. In **Matthew Whittier v Rampersad Ramnarine Civ. App. No. P-145 of 2021**, Justices of Appeal Mendonca and Dean-Armorer expressed the

general principle of striking out a claim as an abuse of process at paragraph 20 as follows:

*“The court has an express power to strike out a statement of case where it is an abuse of process (see rule 26.2(1)(b) of the CPR). The power to do so is also an inherent power of the court. The power to strike out a claim as an abuse of process is a necessary power to prevent misuse of the court's process. It has been said that the power is one “which any court of justice must possess to prevent misuse of its procedure in a way which, although not inconsistent with the literal application of its procedural rules, would nevertheless be manifestly unfair to a party to litigation before it, or would otherwise bring the administration of justice into disrepute among right-thinking people” (see *Hunter v Chief Constable of the West Midlands Police and others* [1982] A.C. 529, 536 per Lord Diplock).”*

40. On the foregoing, I find that the claim against the First Defendant seeking a prerogative order by way of ordinary claim is the kind of misuse of the Court's process that would bring the administration of justice into disrepute. I, therefore, strike it out as being an abuse of process.

41. Even if I were wrong, I would not be minded to grant leave under Part 56.6(3) in the present case. In the first place, the Claimant identifies no decision on the part of the First Defendant for review nor does she set out any statutory provision, power or duty that is alleged to have been breached by the First Defendant. The Claimant has simply identified no act or neglect on the part of the First Defendant in her pleadings to ground a claim for judicial review. Notwithstanding her attempts by way of affidavit to introduce complaints made to the First Defendant after the filing of her claim, it is unclear from her pleaded case, what the nature of her claim against the First Defendant truly is. At best, the

Claimant seems to be suggesting that she was defamed on the radio and as a result, the First Defendant was required to revoke the radio licence of “Power 102FM”.

42. The First Defendant argued that the matters pleaded in the Amended Statement of Case did not provide any context to support the order of mandamus sought by the Claimant directing the First Defendant to revoke the licence granted to Radio Power 102FM. Counsel referred to the judgment of Sharma CJ in **Civ. App. No. 10 of 2004 Director of Personnel Administration and Anor. v Eusebio Cooper and Ors** to demonstrate that a judge’s power to grant an order of a mandamus is circumscribed to commanding a party to fulfil only what they are legally bound to perform, as set out in the judgment of **R v Caledonian Rly Co {1850} 16 QB 19**, which stated that:

“Before we can grant a peremptory mandamus, the prosecutor is bound to satisfy us that there is a legal duty imposed upon the defendant to comply with all that is commanded in the writ. We consider it quite settled that, if any part of what is commanded by a peremptory mandamus goes beyond the legal obligation, the whole writ must be set aside.”

43. In the present case, a concession to operate a radio station is neither granted nor revoked by the First Defendant.⁶ As such, the order of mandamus sought by the Claimant cannot possibly be granted against the First Defendant so that converting the claim, even if it were available at this stage, would serve no useful purpose.

⁶ Section 21(1) of the Telecommunications Act provides that:

“No person shall operate a public telecommunications service or broadcasting service, without a concession granted by the Minister.”

The Minister may then terminate concessions in accordance with section 30 of the Act.

Striking out the statement of case as disclosing no grounds for bringing the claim

44. In **CV2013-02881 Legall-Busby v Valentine and Telecommunications Services of Trinidad and Tobago**, Des Vignes J approvingly cited the dicta of Kokaram J (as he then was) in ***Metivier v. The Attorney General of Trinidad and Tobago, Evolving Technologies and Enterprise Development Company Limited (E-TECK) and Hoyte***,⁷ at paragraph 11 of the judgment as follows:

“Kokaram J in considering an application to strike out a statement of case as disclosing no reasonable cause of action, stated as follows:–

“[4.1] ... The statement of case is a fundamental pillar to the claimant accessing justice under the CPR. It must be carefully drafted so as to properly articulate the facts in support of the cause(s) of action or the basis on which the claim is being made against the Defendant. This duty is reinforced by rule 8.6(1) and (2) CPR which mandates that the claimant include in his claim form or statement of case, a short statement of all the facts on which he relies and to identify or annex a copy of any document which the claimant considers necessary to this case.

[4.2] The principles of proper pleading has not been jettisoned by the general wording of rules 8.6(1) and (2) CPR. The duty to state material facts necessitates a careful attention to the details of the case that are material to establishing a claim...

[4.6] It stands to reason therefore, that a claimant's case must be properly pleaded in his statement of case as it provides the structure for defining the legal issues to be determined. It also assists the Court in determining the best method of managing

⁷ H. C.387/2007 - Delivered February 10, 2010

the case and allocating the Court's resources for the appropriate resolution of the claim.”

45. It is obvious from the foregoing that the claimant must properly articulate the cause(s) of action claimed against the defendant and set out the facts in support of the same. It is neither the role/function of the Court nor of the defendant to sift through a claimant’s pleadings in order to determine whether any of the matters mentioned therein are capable of being used to formulate a proper cause of action against that defendant.

46. Similarly, in **Brian Ali v The Attorney General**,⁸ Kokaram J explained as follows:

*“12. The principles in striking out a statement of case are clear. A court will only seek to strike out a claim pursuant to Rule 26.2(1)(c) of the CPR 1998 as amended on the basis that it discloses no ground for bringing the claim. The language and wording of our Rule 26.2(1) is very generous in that so long as the Statement of Case discloses a ground for bringing the claim, it ought not to be struck out. See **UTT v Ken Julien and Ors CV2013-00212**.*

*13. It is a draconian measure and is to be sparingly exercised always weighing in the balance the right of the Claimant to have his matter heard and the right of the Defendant not to be burdened by frivolous and unmeritorious litigation. The Court in the exercise of its discretion to strike out a claim must always ensure to give effect to the overriding objective. See: **Real Time Systems Ltd v Renraw Investment Ltd Civ. App. 238 of 2011**.*

14. It is for the Defendant to demonstrate that there is no ground for bringing the claim. The Defendant can demonstrate

⁸ CV2014-02843

*for instance that the claim is vague, vexatious or ill-founded. Porter LJ in **Partco Group Limited v Wagg [2002] EWCA Civ. 594** surmised that appropriate cases that can be struck out for failing to disclose a reasonable ground for bring a claim include:*

*“(a) where the statement of case raised an unwinnable case where continuing the proceedings is without any possible benefit to the Respondent and would waste resources on both sides **Harris v Bolt Burden [2000] CPLR 9;***

(b) Where the statement of case does not raise a valid claim or defence as a matter of law.”

47. In the present case, although the Court must have regard to both the overriding objecting and the fact that the Claimant is a litigant in person, there is no escaping the conclusion that the Claimant’s claim is unascertainable. It would be improper for the Court to be called upon to parse through the rambling and incoherent Amended Statement of Case in order to formulate a potential claim against the First Defendant and then to call upon the First Defendant to answer the claim that the Court has so formulated. Neither would it be proper for the Claimant to argue that her claim ought to be allowed to continue on the basis of alternative claims alluded to in her submissions or affidavits filed in opposition to the First Defendant’s application seeking to strike out the Claimant’s defective pleadings, which alternative claims do not form part of her pleaded case against the First Defendant.

48. In any event, the only ascertainable cause of action set out in the Claimant’s pleaded case appears to lie in defamation and despite the Claimant pleading that the “Defendants” have defamed her, no alleged defamatory statement is alleged to have been made by any servant and/or agent of the First Defendant. The pleaded defamatory

statements are all alleged to have been made by Tony Lee, whom the Claimant had removed as a party to these proceedings.

49. In the circumstances, I find that the Claimant's claim discloses no ground for bringing or defending the claim against the First Defendant and I would also strike it out on that basis.

Striking out the claim as being prolix and failing to comply with Part 8

CPR

50. The case of **Carolyn Ragbir v Sanjeeva Goli and Ors**⁹ dealt with similar circumstances of a self-represented litigant who filed a spurious claim alleging medical negligence against certain medical doctors. She claimed that she was hearing voices and sought reliefs including *“the arrest and remand of the First and Fourth Defendants; that the First and Fourth Defendants be sentenced to life in prison and the Claimant be awarded Two Million Pounds sterling. In addition, the Claimant seeks a public apology from the First and Fourth Defendants to the citizens of Trinidad and Tobago for the consequences of their “Subliminal Prompting Interrogation Programme.”*

51. The Amended Statement of Case comprised 17 paragraphs and 38 subparagraphs, which elaborated on the consequences of subliminal prompting interrogation and made no mention of the two doctors. The Court found the claim to be prolix, having not complied with the Part 8 requirements of the CPR, as well as “vexatious and/or bound to fail”.

52. Lambert-Peterson J at paragraphs 29-30 of her judgment cited the dicta of Kokaram J (as he then was) in **David Walcott v Scotiabank Trinidad and Tobago Limited**,¹⁰ that:

⁹ CV2023-00432

¹⁰ CV2012-04235

29. *“The court has an inherent jurisdiction to control the legal proceedings before it, so as to prevent an abuse of process. Kokaram J. stated at paragraph 2 of the judgment **David Walcott v Scotiabank Trinidad and Tobago Limited CV2012-04235***

“It is a matter of public policy to protect the civil litigation process from abuse and this is reinforced by the court's new mandate under the cpr which places emphasis on the efficiency and economy in the conduct of litigation and balancing it with the interest of parties and the resources of the court, key considerations of the overriding objective: Rule 1:1 CPR.”

30. *The categories of abuse of process are many. Where there is abuse of process, striking out has to be supportive of the overriding objective. This claim fails to reveal to the First and Fourth Defendants (and to the Court) the case that the Defendants' respective Defences are expected to meet. The issue of procedural fairness arises, since a party should have the opportunity of meeting the case against him. Even though the Claimant is self-represented, the issues of procedural fairness must be maintained.”*

53. In the instant case, the Amended Statement of Case is undoubtedly prolix and contains neither a clear nor concise statement of facts capable of allowing the First Defendant to understand the case it has to meet or that could assist the Court in distilling the issues to be resolved as against the First Defendant. The Claimant's claim was extraordinarily difficult to understand and the allegations made therein, as set out at paragraphs 8 and 11-14 herein, are such that it would be manifestly unfair to call upon the First Defendant to answer them. The claim ought also to be struck out on this basis.

Issue 2: Whether the Claimant is entitled to summary judgment on her claim.

54. The core of the Claimant's argument that she is entitled to summary judgment on her claim is that the First Defendant has pleaded no defences to her claim in defamation in its Defence. She further appears to base this argument on her claim that the First Defendant's defence was also filed on behalf of Power 102FM, which is not the case. As set out above, there is no claim in defamation that is alleged against the First Defendant. There are no statements alleged to have been made by any servant and/or agent of the First Defendant. As such, the First Defendant has no case to answer in that regard.

55. In relation to the Second Defendant, the Claimant's application for summary judgment is misconceived. There is no evidence before the Court that the claim was properly served on the Second Defendant. Before dealing with the issue of service, it would be remiss of me not to mention that the Second Defendant is not a properly named defendant. The Court takes judicial notice of the fact that the legal entity that operates the Second Defendant, as well as its address, is clearly and easily ascertainable from the Second Defendant's website and although the Court advised the Claimant since the first CMC on 28 April, 2023 that if she intended to proceed against the radio stations she was required to name the proper legal entities who owned them and to serve her claim upon them, she failed to do so notwithstanding the subsequent amendment of her claim.

56. In any event, the Claimant has filed no Affidavit of Service proving service of the claim on the Second Defendant and the Second Defendant has filed no appearance or defence in this matter. The rules regarding service of a claim are set out in Part 5 of the CPR, the relevant parts of which are as follows:

“5.1 The general rule is that a claim form must be served personally.

...

5.3 (a) A document is served personally on an individual by handing it to or leaving it with the person to be served.

(b) A document is served personally on a company or other corporation by handing it to and leaving it with a director, officer, receiver, receiver-manager or liquidator of the company or other corporation.

...

5.5 (1) Personal service of any document is to be proved by an affidavit sworn by the server of the document stating-

(a) the date and time of service;

(b) the precise place or address at which it was served;

(c) precisely how the person served was identified; and

(d) precisely how service was effected.

...

5.6 Service on a limited company may be effected-

(a) by sending the claim form and statement of case or other document by telefax or prepaid post addressed to the registered office of the company;

(b) by leaving the claim form and statement of case or other document at the registered office of the company;

(c) by serving personally the claim form and statement of case or other document on any director, officer, receiver, receiver-manager or liquidator of the company;

(d) by serving personally the claim form and statement of case or other document on any manager or other senior employee at any place of business of the company having a real connection with the claim; or

(e) in any other way allowed by an enactment.

...

5.9 (1) Service by post must be proved by an affidavit of service by the person responsible for posting the claim form and statement of case or other document to the person to be served.

(2) The affidavit must state-

(a) the date and time of posting; and

(b) the address to which it was sent.”

57. The Claimant has filed no Affidavit of Service in accordance with the above rules evidencing personal service of the claim on the Second Defendant. However, in her Affidavit in Opposition to the First Defendant’s application, the Claimant averred that she served the Second Defendant by way of email and exhibited an email as “JR1”¹¹ purportedly as proof of the same.

58. Even if I were to consider the purported service by email as an alternative means of service, I am unable to find that the evidence presently advanced by the Claimant in this regard is capable of supporting a finding that service had been effected upon the Second Defendant. The Claimant does not provide any evidence that any of the email addresses to whom her email was purportedly sent, were email addresses belonging to or used by the Second Defendant or that the Second Defendant had at any time or by any means notified the Claimant or the public that service of legal proceedings could be effected upon them by way of email at any of the email addresses to which the Claimant purportedly sent the Claim Form and Statement of Case or the amended claim.

59. Under Part 5.10 of the CPR,¹² where the Claimant wishes the Court to take any step against a Defendant on the basis that the claim has been

¹¹ Set out at paragraph 29(b) herein.

¹² **Part 5.10 of the CPR** provides that:

(1) Instead of personal service a party may choose an alternative method of service.

(2) Where a party chooses an alternative method of service and the court is asked to take any step on the basis that the claim form and statement of case have been served, the party who

served by an alternative means, the Claimant must file an affidavit setting out the matter prescribed in Part 5.10(2) and, if the court is not satisfied as to service, the Court must fix a date to hear the Claimant in relation to that issue (Part 5.10(4) CPR) and to determine whether to make an order for substituted service under Part 5.12 of the CPR. Whether such an order can be made at this stage given the matters noted in paragraph 61 below, will also have to be considered at that time.

60. In the circumstances of the present case, if the purported service is not found to have been good and proper service then the Claimant's claim, having been filed on 4 April, 2023, would automatically have been struck out as against the Second Defendant on 3 February, 2024 by operation of Part 8.13 of the CPR.¹³ Even if good and proper service upon the Second Defendant is found, the Claimant's claim may nevertheless have been struck out as against the Second Defendant by operation of Part 8.13(5) of the CPR.¹⁴ However, I am not prepared to

served the claim form and statement of case must prove service to the satisfaction of the court by filing an affidavit-

- (a) giving details of the method of service used; and
- (b) showing that-
 - (i) the person intended to be served was able to ascertain the contents of the documents; or
 - (ii) it is likely that he would have been able to do so; and
- (c) stating the time when the person served was or was likely to be in a position to ascertain the contents of the documents.

(3) The court office must immediately refer any affidavit filed under paragraph (2) to a master or judge who must consider the evidence and endorse on the affidavit whether it satisfactorily proves service.

(4) If the court is not satisfied with the method of service the court office must fix a date, time and place to consider making an order under **rule 5.12** and give at least 3 days' notice to the claimant.

¹³ **Part 8.13 (1) and (4) of the CPR** provides that:

(1) The general rule is that a claim form may only be served within four months after the date when the claim was issued.

....

(4) A claim (including a counter-claim, ancillary claim and other similar claims) shall be automatically struck out if a claim form is not served within six months of the time fixed by paragraph (1), or extended for service.

¹⁴ **Part 8.13 (5) of the CPR** provides that:

make any findings in relation to these matters without giving the Claimant an opportunity to file an Affidavit of Service setting out the particulars of her purported service on the Second Defendant and hearing the Claimant in relation thereto.

61. As such, the Claimant's argument in her written submissions regarding the substitution of the Second Defendant for the actual concession holder¹⁵ under Part 19 of the CPR cannot be entertained until a determination has been made as to whether the Claimant's claim still subsists as against the Second Defendant.

62. On the foregoing, summary judgment cannot be granted in favour of the Claimant against either Defendant.

Issue 3: Costs.

63. In relation to costs, I find there to be no reason to depart from the ordinary rule that costs follow the event. I find that the First Defendant is entitled to the costs of its application as well as to the costs it incurred in defending the Claimant's application filed on 10 October, 2023, notwithstanding its subsequent withdrawal by the Claimant on the eve of the hearing. I will make no order as to costs in relation to the Claimant's belated application for summary judgment filed on 19 February, 2024.

Disposition:

64. In light of the foregoing this Court orders as follows:

(5) Where a claim form is duly served and a defendant either does not enter an appearance or file a defence and the claimant who can, does not apply for judgment pursuant to **Part 12** within six months of becoming entitled to do so, the claim (including a counter-claim, ancillary claim and other similar claims) shall be automatically struck out.

¹⁵ Although she has not actually named or identified the actual concession holder.

- (1) The Claimant's claim against the First Defendant is struck out.
- (2) The Claimant shall pay to the First Defendant the costs of its application filed on 3 October, 2023 and its costs occasioned by the Claimant's application filed on 10 October, 2023, to be assessed by a Registrar in default of agreement.
- (3) The Claimant shall file an affidavit of service evidencing her service of the claim on the Second Defendant, and which complies with Part 5 of the CPR, on or before 30 April, 2024.
- (4) The matter is fixed for hearing on 29 May, 2024 at 2:30 p.m. by virtual hearing to determine the issue of service in respect of the Second Defendant and to give consequential directions, if necessary.

Karen Reid

Judge