

IN THE HIGH COURT OF JUSTICE

Claim Number: CV2020-01243

Between

SHERVON PETERS

First Claimant

DEVON PETERS

Second Claimant

ANTHONY GLOSTER

Third Claimant

JOEL FRASER

Fourth Claimant

RONALD ARMSTRONG

Fifth Claimant

KEIDA GARCIA

Sixth Claimant

JAMEEL GARCIA

Seventh Claimant

MARLON TRIMMINGHAM

Eighth Claimant

ANTONIO CHARLES

Ninth Claimant

And

THE ATTORNEY GENERAL OF TRINIDAD AND TOBAGO

Defendant

BEFORE THE HONOURABLE MADAME JUSTICE JOAN CHARLES

Appearances:

Claimant: Mr. A. Ramlogan SC, Mr. J. Jargoo, Ms. J. Lutchmedial, Ms. R. Ramlochan, Mr. G. Saroop instructed by Ms. N. Bisram

Defendant: Mr. R. Nelson SC, Mrs. R. Mohammed-Davidson instructed by Ms. E. Araujo

Date of Delivery: December 6, 2023

DECISION

Chronology of Events Leading Up to the Assessment of Damages and Award of Damages Against the Defendant

- [1] In May of 2007, the Claimants were charged for the murder of Vindra Naipaul-Coolman. After a trial before a Judge and jury all the Claimants were acquitted save for the Fourth named Claimant who had been released following a no case submission.
- [2] On May 29, 2020, the Claimants' Claim Form and Statement of Case were filed and on June 22, 2020, these documents were served on the Attorney General by a Process Server Mr. Shazad Mohammed who gave the documents to one Ms. Natoya Moore, the State Counsel in the Office of the Solicitor General. Ms. Moore endorsed the said documents by signing, dating and affixing the time of service on a copy of said documents. An Affidavit of Service deposing to the fact of service was filed on August 5, 2020.
- [3] On August 5, 2020, the Claimants filed a Notice of Application for permission to enter default judgment against the Defendant who had neither entered an Appearance nor filed a Defence to the Claim. On August 12, 2020, the said Notice of Application for permission to enter default judgment was served on Ms. Sarah Chinwasa, Acting Court Clerk I at the Chief State Solicitor's Department.
- [4] On November 18, 2020, a Notice of the date of hearing of the Application aforesaid was served on Ms. Shanice Parris, Acting Court Clerk I at the Chief State Solicitor's Department, and on November 24, 2020, an Affidavit of Service was filed, evidencing service of both the Application and the Notice of Hearing. The Application was listed to be heard on January 8, 2021 before Charles J. On that date Attorneys-at-Law for the Claimants attended Court but the Defendant was absent and unrepresented. The Court indicated that it was unable to see all the documents filed because of technical difficulties. The Court indicated that it would review the file when the technical difficulties were resolved and made the appropriate Order in Chambers. On January 26, 2021, the Court granted permission to the Claimants to enter judgment and instructed her Team to send the Order for processing. On February 5, 2021 this Order granting permission was sent to the Parties.

- [5] On February 9, 2021, the Order granting default judgment was issued and on March 9, 2021, a Notice of Assessment of Damages was sent to the Claimants' then Attorney-at-Law via email from CourtMail.
- [6] On July 5, 2021, the Chief State Solicitor Mr. Sean Julien was served with the entire electronic file containing all documents filed in Court up to that date. He was given Notice of the fact that default judgment had been entered and a hearing was fixed for July 6, 2021. On the same day, Mr. Julien replied confirming receipt.
- [7] On July 6, 2021, the first hearing before the Honourable Master Martha Alexander was scheduled to be held. The matter was not heard on this day due to technical difficulties. The matter was adjourned to July 8, 2021. Ms. Monica Smith, a Senior State Counsel from the Solicitor General's Department was copied to the email from the Court advising that the matter was being adjourned.
- [8] At the July 8, 2021 hearing, directions were given for the List of Documents and assessment of damages. Mr. Anand Ramlogan SC, Mr. Saroop, and Mr. Rampersad appeared for the Claimants and Ms. Tinuke Gibbons-Glenn, a Senior State Attorney from the Solicitor General's Department appeared for the Defendant.
- [9] The Court sent the said Order to Mr. Saroop and the Chief State Solicitor's official email address at chiefstatesolicitorfilingattorneyatlaw@ag.gov.tt .
- [10] On August 16, 2021, the Claimants complied with the July 8, 2021 Order and filed their List of Documents.
- [11] On August 16, 2021, Mr. Saroop served the Claimant's List of Documents on the Solicitor General and specifically copied Ms. Gibbons-Glenn who appeared on July 8, 2021, it was served on the official email addresses of both parties.
- [12] On September 1, 2021, Notice was given by the Court that the matter was adjourned to September 9, 2021. This Notice was sent to Mr. Saroop and the Chief State Solicitor's official email address at chiefstatesolicitorfilingattorneyatlaw@ag.gov.tt .

- [13] On September 8, 2021, Notice was given that the hearing that was scheduled for September 9, 2021, was now relisted for October 13, 2021. The Chief State Solicitor was again notified by the Court.
- [14] On October 12, 2021, the link for the hearing scheduled October 13, 2021 was sent to Mr. Saroop and the Chief State Solicitor.
- [15] On October 13, 2021, the following directions were given by the Court:
- i. Claimants to file and serve Witness Statements on or before February 1, 2022.
 - ii. Defendant to file Evidential Objections on or before March 30, 2022.
 - iii. Parties to provide speaking notes on quantum on or before October 26, 2022.
 - iv. Assessment of damages fixed to proceed on October 26, 2022.
- [16] Mr. Saroop attended the said hearing and gave an undertaking to the Court that he would notify the Defendant of the directions given.
- [17] On October 20, 2021, Mr. Saroop wrote to the Judicial Support Officer (JSO) requesting the Order as he was required to serve same on the Solicitor. The JSO responded indicating that the Order was sent for signature.
- [18] On November 12, 2021, the Order was sent to Mr. Saroop and the Chief State Solicitor at his official email address.
- [19] On November 12, 2021, the same day he received the Order, Mr. Saroop wrote to Ms. Carol Hernandez, the (then) Solicitor General, Mr. Julien, the Chief State Solicitor, the official Solicitor General via the email address that is used to serve documents on the State and the official Chief State Solicitor's service email serving a copy of the Order from October 13, 2021 pursuant to the undertaking given to the Court to serve the Order. He also copied the JSO to the Honourable Master Martha Alexander to the said email.

- [20] On February 1, 2022, the Claimants filed an Application for an extension of time for Witness Statements and to appoint an Expert on behalf of the Claimants.
- [21] On April 12, 2022, the Court sent an email stating that the Application will be heard on April 13, 2022. The email was sent to Mr. Saroop, the Chief State Solicitor and Ms. Gibbons-Glenn of the Solicitor General's Department.
- [22] On April 12, 2022, the Application was served on the Solicitor General via email. The email also had the date of the hearing for the Application.
- [23] On April 12, 2022, the Claimants also filed a Notice of Application for substitution for Dwayne Gloster. This was served on the Solicitor General who acknowledged service the following day.
- [24] On April 12, 2022, the Court sent the link for the hearing scheduled on April 13, 2022 to Ms. Gibbons-Glenn, the Chief State Solicitor and Mr. Saroop.
- [25] The matter was called on April 13, 2022 and the Court granted the Orders for substitution, extension of time for the Witness Statements and Expert Evidence. The Defendant did not appear and no objections were taken.
- [26] On May 11, 2022, the Order from the April 13, 2022 hearing was sent to Mr. Saroop and the Chief State Solicitor.
- [27] On June 15, 2022, the Claimants filed another Notice of Application for extension of time for the Claimants to file their Witness Statements.
- [28] On June 21, 2022, the Court granted the Application in Chambers without a hearing and the Chief State Solicitor was notified via email.
- [29] On June 22, 2022, the Claimants' Witness Statements were filed.
- [30] On July 24, 2022, the Witness Statements and Hearsay Notice were served on the Solicitor General and the Chief State Solicitor.

- [31] On October 19, 2022, the Court issued Notice to both parties that the assessment of damages will proceed on October 26, 2022. The email was also sent to the Solicitor General.
- [32] On October 22, 2022, Ms. Dominique Bernard, Legal Counsel I from the Chief State Solicitor's office emailed Mr. Saroop indicating, *inter alia*, that they were not in the possession of a file for this matter. Despite several prior Notices from both the Court and Mr. Saroop, this was the first time a representative from the Defendant indicated that they "were not in possession of a file for this matter".
- [33] On October 20, 2022, the same day, Mr. Saroop responded to Ms. Bernard and provided all the requested documents. Ms. Bernard acknowledged receipt of the said email.
- [34] On October 21, 2022, the Court sent an email indicating that the assessment will not proceed on October 26, 2022 and that the Court will give a new date. Both the Chief State Solicitor and the Solicitor General were copied on this email.
- [35] On October 25, 2022, Ms. Karen Reid, then Counsel for the Solicitor General, proposed dates to the JSO for the assessment of damages. Both Parties agreed to November 4, 2022 for the assessment of damages trial. The Court then ordered speaking notes to be filed by October 25, 2022.
- [36] On November 3, 2022, the Claimant and Defendant filed Submissions and speaking notes. The Defendant's speaking notes/Submissions contained full submissions on the appropriate quantum of damages.
- [37] On November 4, 2022, the assessment of damages trial was held. The Defendant participated fully at the trial and did not make an Application to set aside the default judgment.
- [38] On November 18, 2022, the Claimant and Defendant filed further Submissions.
- [39] On January 30, 2023, Judgment was handed down by the Honourable Master Martha Alexander.

The Background to the Proceedings

- [40] It is important at the outset to give an accurate account of the sequence of events when the Claimants' Application for permission to enter judgment against the Defendant was first listed before me, especially since the Defendant has persisted in repeating an erroneous narrative of events in which they did not condescend to participate.
- [41] As the accurate transcript of the first hearing of the Application for permission to enter judgment on January 8, 2021 reveals, Mr. Pariagsingh and Mr. Saroop appeared on behalf of the Claimants, the First and Second named of whom were present, while Claimants three to nine were excused. No Attorneys-at-Law appeared on behalf of the Defendant nor was any Appearance filed, nor was there any Application for an extension of time to file a Defence. I noted that service of the Claim Form and Statement of Case had been effected on the Defendant since June 2020 and that one Natoya Moore, a Senior State Attorney who has practised before this Court, had accepted service on behalf of the Defendant on that date. Of note as well was the fact that time for the filing of the Defence to the Claim had expired. Affidavits of Service of the pleadings as well as the Application for permission to enter judgment dated August 5, 2020 had also been filed.
- [42] I noted that due to technical difficulties my ability to view all the documents on the file was hindered; I indicated to Counsel present, *inter alia*, that I would review the filings in the case once the technical difficulties had been resolved, and any consequent Order, if there were no filings by the Defendant, would be made in Chambers. Accordingly, I reviewed the file sometime later and verified that despite service of the pleadings since June 2020 and service of the Application to enter judgment since November 12, 2020 on the Defendant, no Appearance, Application for an extension to file a Defence or Affidavit in Reply to the Application had been filed. I then went on to consider the substantive Application and formed the view that I should exercise my discretion in favour of granting permission to enter judgment against the Defendant on the following grounds:
- i. The Claimants' case was neither frivolous nor erroneous in law.
 - ii. The Defendant had failed to put any material before the Court to challenge the Claimants' allegation of a want of reasonable and probable cause for their arrest and prosecution.

- iii. There was also no challenge to the assertion of malice made by the Claimants in circumstances where they alleged that the case was instituted against them on the basis of a statement from a minor with serious mental health issues as well as DNA evidence which did not link any of them to the crime.
- iv. I considered that given the serious nature of the allegations on which the Claim had been founded, the failure by the Defendant to answer this Claim more than six (6) months after it had been served on the Defendant, combined with the failure on the part of the Defendant to respond to the Application for permission to enter judgment served almost two (2) months before the hearing in January 2021 and two (2) months before I made the Order on January 26, 2021 amounted to impermissible delay.

[43] It was in the above circumstances, that by email dated January 26, 2021, I instructed my Team to prepare the final Order in terms of the Draft Order dated January 8, 2021. The Team accordingly emailed the Draft Order to Judgments and Orders Unit by email dated January 26, 2021. A copy of the final Order bearing the Court's stamp dated February 4, 2021 was then emailed to the Parties by the Despatch Unit on February 5, 2021. It should be noted that although the Order is dated January 8, this is an administrative error since I gave the emailed instruction to draft the final Order on January 26, 2021.

[44] The Defendant filed an Application on March 27, 2023 seeking to set aside the Order of this Court (erroneously) dated January 8, 2021 granting the Claimants permission to obtain default judgment against the Defendant, the default judgment entered against it on February 9, 2021 and the Order of the Honourable Master Martha Alexander dated January 30, 2023 pursuant to **Rules 13.2(1)(b)** and/or **13.3(1)** of the **Civil Proceedings Rules (CPR) 1998**¹ as amended. They also sought the following Reliefs:

- i. That the Order of the Honourable Master Martha Alexander dated January 30, 2023 be stayed pending the hearing and determination of this Application.
- ii. That the Claimants pay the Defendant's costs of this Application certified fit for Senior Counsel and Junior Counsel to be assessed in default of agreement.

¹ Section 78 of the Supreme Court of Judicature Act (Chapter 4:01)

iii. Such further and/or other Relief as the Court may deem fit in the circumstances.

[45] The grounds of this Application were that the judgment be set aside because it was wrongly entered due to:

- i. Improper service of the Claim Form and Statement of Case;
- ii. The wrongful exercise of discretion in granting Leave to enter default judgment; and
- iii. The absence of jurisdiction to Order the entry of default judgment with damages to be assessed.

[46] Alternatively, the Defendant submitted that the Court can exercise its discretion to set aside the judgment on the ground that the Defendant has a realistic prospect of success and acted as soon as realistically practicable after finding out that default judgment had been entered against it.

Improper Service

[47] In support of its contention that there was improper service of the Claim Form and Statement of Case, the Defendant relied on **Section 20(1)** of the **State Liability and Proceedings Act (SLPA)**² which provides as follows:

“In any civil proceedings instituted against the Attorney General, or to which the Attorney General is joined as a party or third party, as mentioned above, the first document required to be served on him and any other document required to be served before an address for service has been given by him, shall be served on the Attorney General by the delivery thereof to the Solicitor General or such officer in the Department of Solicitor General as he may designate by Notice published in the gazette, or by leaving at the Office of the Solicitor General or that officer, or by sending it by post in a registered letter addressed to the Solicitor General or to that other officer at his office.”

[48] The Defendant submitted that **Rule 58.3(1)** of the **CPR** requires that the service of any documents on the State must be effected in accordance with the **SLPA**. **Rule 58.3(1)** states:

² Chapter 8:02

“58.3 (1) Part 5 (Service of Claim Form) and part 6 (Service of other documents) do not apply in civil proceedings against the State.

(2) Service of any document including a Claim Form on the State must be effected in accordance with s. 20 of the Act.”

[49] **CPR 6.8(1) and (2)** also provide that any document that has to be served on the Attorney General...must be done in accordance with **Rule 58.3**³.

[50] In response, the Claimants through their Attorney-at-Law Mr. Samlal deposed that the Claim Form and Statement of Case had been served on Ms. Natoya Moore, State Counsel III at the Solicitor General's office who was duly authorised to accept service on behalf of the Defendant as an employee of the Solicitor General's office. Mr. Samlal asserted that Ms. Moore could properly accept service on behalf of the Solicitor General. It was submitted on behalf of the Claimants that the general practice for service of documents on the Attorney General is that all new Claims are served on the Office of the Solicitor General and this was done in the instant case. Mr. Samlal also deposed that this mode of service has been accepted by the Attorney General on numerous occasions before this without complaint.

[51] The Claimants contended that originating documents served on the State at the Solicitor General's office is usually accepted by an Attorney-at-Law and Ms. Moore has accepted service on behalf of the Defendant on numerous occasions previously. It was pointed out that the Defendant has not complied with the terms of **Section 20** of the **SLPA** which require that the name of the officer designated by the Attorney General to accept service of Originating documents on its behalf to be gazetted; in the absence of the appointment of a designated officer as provided for, then the practice whereby an Attorney-at-Law employed in the Office of the Solicitor General accepts service should be accepted by the Court. The Court was urged to bear in mind that neither the Claimants nor indeed the Process Server has any control over who accepts service at the Solicitor General's office.

³ **Rule 6.8:**

(1) *This Rule applies where any document has to be served on the Attorney General in connection with any proceedings of which Notice has to be given to the Attorney General and no express provision as to service is made by any enactment or Rule.*

(2) *Any such document must be served in accordance with Rule 58.3.*

[52] In further response on this point, the Claimants asserted that in the absence of a gazetted officer to accept service of legal documents on behalf of the State the 'practical administrative policy, practice and procedure facilitated the conduct of litigation against the State; in the absence of this, the State would be able to avoid litigation by simply claiming that no one has been gazetted as an authorised officer to receive service on behalf of the State', a position which would be untenable and lead to injustice. The Claimants argued that by serving the documents on Ms. Moore, they complied with **Section 20** of the **SLPA** which provided that service can be effected by leaving the documents at the Solicitor General's office.

Discussion

[53] **CPR 13.2(1)** states:

*"The Court **must** set aside a judgement entered under Part 12 if judgment was wrongly entered because –*

(a) In the case of a failure to enter an appearance, any of the conditions in Rule 12.3 was not satisfied; or

(b) In the case of judgment for failure to defend, any of the conditions in Rule 12.4 was not satisfied."

[54] **CPR 13.3(1)** states:

"The Court may set aside a judgment entered under Part 12 if –

(a) The Defendant has a realistic prospect of success in the Claim; and

(b) The Defendant acted as soon as reasonably practicable when he found out that judgment had been entered against him."

[55] Both Parties agree that Courts jealously guard their jurisdiction to set aside a default judgment. A default judgment is usually obtained in circumstances of a procedural misstep, as happened here – the failure to file an Appearance or Defence. Since there has been no determination on the

merits, the Courts retain a wide discretion to set it aside. In **Evans v Bartlam**⁴ Lord Atkin outlined the principle in these terms:

“The principle obviously is that, unless and until the Court has pronounced a judgment upon the merits or by consent, it is to have the power to revoke the expression of its coercive power where that has only been obtained by a failure to follow any of the Rules of procedure.”

[56] In **Leymon Strachan v The Gleaner Company Limited and Dudley Stokes**⁵ the JCPC held that a default judgment can be set aside even after an assessment of damages since a default judgment is not to be considered spent once damages are assessed. The fact that damages have been assessed and final judgment entered does not deprive a Court of jurisdiction to set aside a default judgment. Lord Millett opined on this issue that:

“A default judgment is not one which has been decided on the merits. The Courts have jealously guarded their power to set aside judgments where there has been no determination on the merits, even to the extent of refusing to lay down any rigid rules to govern the exercise of their discretion.”

[57] The language of **CPR 13.2(1)** which provides that a judgment wrongly entered by the Court under **Part 12** must be set aside is expressed in mandatory terms. Pursuant to **Rules 12.3(a)**⁶ and **12.4(a)**⁷ service of the Claim Form and Statement of Case must be proved before a judgment of default of Appearance and/or Defence can be entered. As noted above, **CPR 6.8(1)**⁸ and **(2)**⁹ stipulate that

⁴ 1937 AC 473 at page 480

⁵ 2005 UKPC 33

⁶ **Rule 12.3:**

At the request of the Claimant the Court office must enter judgment for failure to enter appearance if –

(a) The Court office is satisfied that the Claim Form and Statement of Case have been served;

⁷ **Rule 12.4:**

At the request of the Claimant the Court office must enter judgment for failure to defend if –

(a) The Court office is satisfied that the Claim Form and Statement of Case have been served; or

⁸ **Rule 6.8:**

(1) This Rule applies where any document has to be served on the Attorney General in connection with any proceedings of which Notice has to be given to the Attorney General and no express provision as to service is made by any enactment or Rule.

⁹ **Rule 6.8:**

(2) Any such document must be served in accordance with Rule 58.3.

service of any documents on the Attorney General ‘in connection with any proceedings of which Notice has to be given to the Attorney General and no express provision as to service is made by any enactment...any such document must be served in accordance with **Rule 58.3**’. Significantly, **Rule 58.3(1)**¹⁰ states that **Parts 5** and **6** of the **CPR**, which deal with the service of the Claim Form and other documents do not apply in civil proceedings against the State. **Rule 58.3(2)**¹¹ mandates that ‘service of any document including a Claim Form on the State must be effected in accordance with **Section 20** of the **Act**’. **Rule 58.1(2)**¹² defines “the **Act**” as the **SLPA**.

[58] **Section 20(1)** of the **SLPA** proscribes three ways by which documents can be served on the Attorney General by a Claimant:

- i. Delivery of the documents to the Solicitor General or such officer designed by him by Notice in the gazette;
- ii. Leaving the documents at the Office of the Solicitor General or such designated officer; and
- iii. Sending the documents by registered post to the Solicitor General or such designated officer.

[59] It seems to me that in the absence of a designated officer provided for by the **SLPA**, the Claimants still had two avenues of service – by registered post to the Solicitor General or by leaving the documents at the Office of the Solicitor General. I take the Claimants’ point that they cannot be responsible for whomever accepts the documents so served, but in the case of Ms. Moore, an Attorney-at-Law as opposed to a clerical or other officer, it is open to the Defendant to say, as he

¹⁰ **Rule 58.3:**

(1) *Part 5 (Service of Claim Form) and Part 6 (Service of other documents) do not apply in civil proceedings against the State.*

¹¹ **Rule 58.3:**

(2) *Service of any document including a Claim Form on the State must be effected in accordance with s. 20 of the Act.*

¹² **Rule 58.1:**

(2) *In this Part –*

*“the Act” means the State Liability and Proceedings Act, (Chap. 8:02);
“civil proceedings by the State”, “civil proceedings against the State”, “civil proceedings by or against the State” and “civil proceedings to which the State is a party” have the same meanings as under the Act; and
“order against the State” means any order made in civil proceedings or in an arbitration by or against the State.*

does, here, that she was not designated to perform such a function. I am also aware that the Defendant has not, hitherto, sought to rely on strict compliance with the provisions of the **SLPA** in order to deny that it was properly served with Originating documents and/or Notices. The fact is that this is the first case that this Court is aware of where the Attorney General has insisted that a failure by a Claimant to adhere to the provision of **Section 20(1)** of the **SLPA** and **Rule 58.3** of the **Rules** would render service of documents on the Attorney General's office invalid. Prior to this case, the Defendant accepted service even where documents were served at the Chief State Solicitor's office and not on the designated officer. Indeed, as has been accepted, no evidence of such designated officer ever having been gazetted/appointed was put before this Court.

[60] Notwithstanding the State's failure to appoint such designated officer and its prior acceptance of service of documents that were not in conformity with the **Act**, the issue for my consideration is whether such prior acceptance can operate to nullify the effect of the **SLPA** and the **CPR supra**. I must conclude that it cannot; the **Rules** relating to service of Originating documents and Notices on the State are clear and mandatory – as such they must be complied with. The result is that the Claimants have not established that the Claim Form and Statement of Case were served; consequently, an important, mandatory condition for permission to enter judgment against the Defendant pursuant to **CPR 12.3(a)** and **12.4(a)** was not met. It follows that the judgment was wrongly entered and must be set aside pursuant to **CPR 13.2(1)(a)** and **(b)**.

[61] As noted above, the fact that an assessment of damages has been concluded and an award made to the Claimants is no bar to setting aside the judgment. As stated in **Strachan supra**, a Defendant cannot dispute liability at the assessment hearing once judgment (whether in default or contested) has been given; he must appeal or apply to set aside the judgment as has been done here. It is unfortunate that the Defendant chose to attend and defend the assessment of damages without applying to set aside the default judgment earlier. No explanation has been forthcoming from the Defendant relative to the participation of Senior Officers in the assessment of damages consequent upon the default judgment being granted and its avowed position that it first became aware of the matter after the significant award of damages had been made. In light of the ground upon which I have held that the judgment must be set aside, this stance is rendered moot. It would have been of considerable importance had I found that there had been proper service of the Claim Form and Notice and the Application had to be determined on the basis of **CPR 13.3(1)(a)** and **(b)**.

[62] The failure to prove service is sufficient to determine this Application in the Defendant's favour. As indicated above, the Claimants' Application for Leave to enter judgment was not determined on January 8, 2021 but on January 26, 2021 after due consideration of the material before me. While no consideration was given to the issue of service, (this being the first time in these Courts that the issue has been raised) I did consider the pleadings before me and concluded, whether rightly or wrongly, that the case was neither frivolous, nor erroneous in law and that the Claimants were entitled to the Order that they sought.

[63] In the circumstances, I make the following Orders:

- i. That the Order of this Court dated January 8, 2021 but made on January 26, 2021 granting the Claimants permission to obtain default judgment against the Defendant and the default judgment entered against the Defendant dated February 9, 2021 are hereby set aside.
- ii. That the Order of the Honourable Master Martha Alexander dated January 30, 2023 be set aside.
- iii. The costs of the Application are reserved until the end of the trial.

Joan Charles

Judge