REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

CLAIM NO. CV2025-00763

IN THE MATTER OF AN APPLICATION BY WAY OF FIXED DATE CLAIM FORM TO REGISTER AND ENFORCE AN ICSID AWARD AS A JUDGMENT OF THE COURT PURSUANT TO SECTIONS 3 (1) AND 4 OF THE INVESTMENTS DISPUTES AWARDS (ENFORCEMENT) ACT CHAP. 5:03

AND IN THE MATTER OF AN APPLICATION FOR REGISTRATION AND ENFORCEMENT OF THE AWARD PURSUANT TO SECTIONS 9 AND 14 OF THE SUPREME COURT OF JUDICATURE ACT CHAP. 4:01

AND IN THE MATTER OF AN APPLICATION FOR REGISTRATION AND ENFORCEMENT OF THE AWARD UNDER CPR PART 78 OF THE CONSOLIDATED CIVIL PROCEEDINGS RULES AS SUPPLEMENTED BY RULE 62.21 OF THE ENGLAND & WALES CIVIL PROCEDURE RULES 1998

AND IN THE MATTER OF ICSID CASE NO. ARB/07/30 -CONOCOPHILLIPS PETROZUATA B.V., CONOCOPHILLIPS HAMACA B.V., CONOCOPHILLIPS GULF OF PARIA B.V., AND CONOCOPHILLIPS COMPANY V. BOLIVARIAN REPUBLIC OF VENEZUELA

BETWEEN:

(1) CONOCOPHILLIPS GULF OF PARIA B.V.
(2) CONOCOPHILLIPS PETROZUATA B.V.
(3) CONOCOPHILLIPS HAMACA B.V.

CLAIMANTS

-and-

BOLIVARIAN REPUBLIC OF VENEZUELA

DEFENDANT

Before the Honourable Mr. Justice Frank Seepersad

Date of Delivery: 27 May, 2025
Appearances:

1. Mr. A. Stafford K.C., Mr. G. Simonette, Ms. S. Vailloo, Mr. M. Watson and Ms. K. Morgan, Attorneys-at-law for the Claimants.
2. No appearance for the Defendant.

ORAL DECISION REDUCED INTO WRITING

1. Before the Court is the application of the Claimants by virtue of which they seek registration and enforcement of an award made in their favour against the Defendant in an International Centre for Settlement of Investment Disputes ("ICSID") Arbitration. The Claimants seek the following relief:
    a. The award of the arbitral tribunal ("the Arbitral Tribunal") of the International Centre for Settlement of Investment Disputes ("ICSID") dated 8 March 2019, as rectified by decision dated 29 August 2019, made in the matter of ICSID Case No. ARB/07/30 - ConocoPhillips Petrozuata B.V., ConocoPhillips Hamaca B.V., ConocoPhillips Gulf of Paria B.V. and ConocoPhillips Company -v- Bolivarian Republic of Venezuela ("the ICSID Award"), be registered and enforced as a judgment of the Court against the Defendant pursuant to the Court's common law powers and the provisions of:
        i. Sections 3(1) and 4 of the Investments Disputes Awards (Enforcement) Act Chap. 5:03 ("the ICSID Act");
        ii. Sections 9 and 14 of the Supreme Court of Judicature Act Chap. 4:01 ("the Supreme Court Act") which empower the Court to import English procedural law to fill lacunae in the procedural law of Trinidad & Tobago; and
        iii. Part 78 of the Consolidated Civil Proceedings Rules of Trinidad & Tobago ("the CPR") as supplemented by rule 62.21 of the England & Wales Civil Procedure Rules 1998.
    b. The Claimants are permitted to enforce any judgment made by the Court registering and enforcing the ICSID Award by levying execution against the Defendant's assets in Trinidad & Tobago.
    c. There is no requirement that the Fixed Date Claim Form, the documents filed in support, or any judgment made by the Court registering and enforcing the ICSID Award must be served on the Defendant since all that is required is for the Claimants to give notice of the registration to the Defendant in accordance with CPR 78.6.

d. In accordance with CPR 7.8(3)(e), CPR 5.12 and CPR 78.6(1), the Claimants shall give notice to the Defendant of registration of the ICSID Award as a judgment of the Court by the following alternative/specified methods (a) email to (i) casosinternacionalesvzla@gmail.com, (ii) relaciones.consulares@mppre.gob.ve, and (iii) henryfacchinetti@yahoo.com; and (b) hand delivery to the Venezuelan Embassy in Trinidad & Tobago in Port of Spain; attaching/providing a covering letter which annexes a certified translation into Spanish of the judgment, and is addressed to the attention of:

    i. Bolivarian Republic of Venezuela, Ministerio del Poder Popular para Relaciones Exteriores, Oficina de Relaciones Consulares, Avenida Urdaneta, Esquina de Carmelitas a Puente Llaguno, Edificio Anexo a la Torre MRE Piso 1, Caracas, 1010, República Bolivariana de Venezuela;

    ii. Tarek William Saab, Attorney General of Venezuela, Procuraduria General de la Republíca Venezuela, Av. Los Ilustres, cruce con calle Francisco lazo Martí, Edificio Sede Procuraduría General de la Republíca, Caracas 1041, Distrito Capital, Venezuela; and

    iii. His Excellency Alvaro Enrique Sanchez Cordero, Ambassador Extraordinary & Plenipotentiary, Embassy of The Bolivarian Republic of Venezuela, No. 16 Victoria Avenue, Port of Spain, Trinidad & Tobago.

e. The Defendant shall have 7 days from the date of being provided with notice, if so advised, to enter an appearance to challenge by way of application or otherwise the levying of execution against the Defendant's asset in connection with enforcement of any judgment made by the Court registering the ICSID Award.

f. The Claimants may proceed to enforce the judgment registering the ICSID Award by levying execution against the Defendant's assets in Trinidad & Tobago only after the expiration of the 7-day period within which the Defendant is entitled to enter an appearance under paragraph 5 above to challenge the Claimants' legal entitlement to levy execution.

g. The Defendant pays the Claimants' costs of the claim.

h. The parties have liberty to apply.

i. The Court shall grant such further orders and relief or give such directions as it deems just and appropriate in the circumstances.

2. The application before the Court is supported by the affidavit of Stephen Hayes ("the Hayes Affidavit") and the evidence dealing with the ICSID Award and the factual basis upon which the Claimants seek the order for registration is set out in detail at Sections D to L of the said Hayes Affidavit.

3. The affidavit evidence demonstrates that the ICSID Award provided for the payment of the principal together with interest and currently, the total outstanding unpaid amount in respect of the ICSID Award stands at approximately $11.5 billion USD.

4. The affidavit evidence also recounts that there was a request by Venezuela to have the ICSID Award annulled but the said request was dismissed in its entirety on or about 22 January 2025.

5. The primary issues which this Court must address are whether the Claimants are entitled to the registration and enforcement *ex debito justitiae* and whether there is in fact any lacuna in the operative procedural regime which would retard the Court's ability to give effect to section 4 of the Investments Disputes Awards (Enforcement) Act Chap. 5:03 ("ICSID Act").

6. Article 53 of the ICSID Convention stipulates that convention awards are final, binding and not subject to review, appeal or annulment except as provided for under the Convention. Article 54 of the Convention requires all contracting states to register and enforce an ICSID Award as a judgment of their local courts.

7. The Republic of Trinidad and Tobago enacted the ICSID Act into its domestic law to give effect to the Convention and sections 3(1) and 3(3) state as follows:

> "3. (1) An award shall, subject to the provisions of this section, be enforceable in the High Court as if it were a final judgment of that Court.
>
> …
>
> (3) An award which would be enforceable under this Act shall be treated as binding for all purposes on the parties as between whom it was made and may accordingly be relied on by any of those parties by way of defence, set off or otherwise in any legal proceedings in Trinidad and Tobago and any references in this Act to enforcing an award shall be construed as including references to relying on an award."

8. The Court notes that the English ICSID Act contains some similar provisions with some differences, though not fundamental.

9. The Court considered the dicta of the UK Supreme Court in **Micula and others v Romania (European Commission Intervening) [2020] UKSC 5** and noted that the UK Supreme Court recognised that a domestic court before whom recognition is sought may not re-examine the award on its merits. At paragraph 68 Lord Lloyd-Jones and Lord Sales stated:

> "68. The provisions of the 1966 Act must be interpreted in the context of the ICSID Convention and it should be presumed that Parliament, in enacting that legislation, intended that it should conform with the United Kingdom's treaty obligations. It is a notable feature of the scheme of the ICSID Convention that once the authenticity of an award is established, a domestic court before which recognition is sought may not reexamine the award on its merits. Similarly, a domestic court may not refuse to enforce an authenticated ICSID award on

grounds of national or international public policy. In this respect, the ICSID Convention differs significantly from the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958. The position is stated in this way by Professor Schreuer in his commentary on article 54(1):

> "The system of review under the Convention is self-contained and does not permit any external review. This principle also extends to the stage of recognition and enforcement of ICSID awards. A domestic court or authority before which recognition and enforcement is sought is restricted to ascertaining the award's authenticity. It may not reexamine the ICSID tribunal's jurisdiction. It may not re-examine the award on the merits. Nor may it examine the fairness and propriety of the proceedings before the ICSID tribunal. This is in contrast to nonICSID awards, including Additional Facility awards, which may be reviewed under domestic law and applicable treaties. In particular, the New York Convention gives a detailed list of grounds on which recognition and enforcement may be refused …" (Christoph H Schreuer, The ICSID Convention: A Commentary, 2nd ed (2009), p 1139, para 81)
>
> "The Convention's drafting history shows that domestic authorities charged with recognition and enforcement have no discretion to review the award once its authenticity has been established. Not even the ordre public (public policy) of the forum may furnish a ground for refusal. The finality of awards would also exclude any examination of their compliance with international public policy or international law in general. The observance of international law is the task of the arbitral tribunal in application of article 42 of the Convention subject to a possible control by an ad hoc committee … Nor would there be any room for the application of the Act of State doctrine in connection with the recognition and enforcement of an ICSID award …" (Schreuer, pp 1140-1141, para 85)"

10. This Court having considered section 3(1) of the ICSID Act together with the provisions outlined at Articles 53 & 54 of the Convention is resolute in its view that an ICSID award must be registered and enforced by the court almost as a matter of right as the courts in Convention States have no discretion to refuse to do so. As a consequence, there can be no legitimate requirement for the Court to make an assessment so as to determine whether or not leave to register an award should be granted.

11. Essentially, the Court must be satisfied of two paramount considerations: 1) Whether the Award is authentic and; 2) Whether all of the Award challenge processes under the Convention have been engaged and determined.

12. Section 4 of the ICSID Act empowers the Court to make specific rules to outline the applicable procedure for the registration and enforcement of ICSID awards. However, no specific Rules of Court have been made under the relevant section.

13. At the time that the ICSID Act came into force in 1968, applications under section 3(1) for registration and enforcement of ICSID awards would have been governed by the relevant procedures outlined in the Rules of the Supreme Court. These Rules would have provided for the institution of the registration request by way of an originating summons.

14. The Rules of the Supreme Court are no longer in operation with the advent the Civil Proceedings Rules 1998 (as amended) ("CPR"). Part 78 of the CPR deals with the Registration and Enforcement of judgments however there are certain procedural lacunas in the CPR as it relates to the enforcement and registration of the ICSID awards.

15. Notably, Part 78 CPR makes provision for leave of the Court to register a judgment/ award. However, this is a process which is not necessary as it relates to ICSID awards having regard to the Convention obligations as expressly outlined in Articles 53 and 54 of the Convention and sections 3(1) and (3) of this Republic's ICSID Act.

16. The question that the Court must then resolve is what procedure ought properly to be adopted to give effect to the Convention obligations which have been incorporated into the domestic law by virtue of the ICSID Act.

17. The Court considered sections 9 and 14 of the Supreme Court of Judicature Act Chap. 4:01 ("SCJA") as well as section 20(2) of the Judicature Ordinance. In addition, the Court considered the Eastern Caribbean Supreme Court ruling in **Civil Appeal No. 23 of 1999 (26 June 2000) Hugh C. Marshall Snr. v Antigua Aggregates Limited et al** and noted the approach adopted by the Court of Appeal as outlined at paragraphs 15 and 16.

18. Essentially, the court in *Antigua Aggregates Ltd* (supra) adopted the view that where the rules of the Eastern Caribbean were inadequate, that recourse could be had to the English Rules to determine how best those rules could be modified in conformity with the local operative law and practice so as to be used as a guide to treat with a winding up petition as the operative rules outlined no process for dealing with such petitions.

19. This Court holds the view that sections 9 and 14 of the SCJA clearly mandates the Court to incorporate into its process rules of court which existed in the United Kingdom prior to the enactment of the SCJA where the Rules of the Supreme Court may have been silent. However, the Court holds the view that it cannot import either in a wholesale manner or apply the equivalent English rule to Part 78 which is English CPR Part 74.

20. The Court can however use the equivalent English Rules, in the exercise of its inherent jurisdiction, as a guide to determine how it should modify Part 78 of the CPR so as to ensure that it gives effect to the Convention obligations as outlined under Articles 53 and 54 which have been incorporated into domestic law by virtue of the ICSID Act .

21. The Court must always act in a manner which is fair and proportionate and which gives effect to the overriding objective of the provisions of the CPR, mindful that procedure must be viewed as the servant and not the master and should never be used oppressively so as to retard the Court's ability to give effect to the substance of the law or to ensure that incorporated Convention obligations are discharged.

22. In that regard, the Court is of the view that the required modification of Part 78.2 CPR requires a systematic approach in a determination as to whether the Court is satisfied that the ICSID Award is authentic and whether the relevant appellate processes have been fully engaged and determined. In doing so, the Court holds the view that the English CPR 62.21 and 62.21(4) are useful guides because they set out the means and method by which an English court asked to register an ICSID award modifies English CPR Part 74 in order that such an award can seamlessly be registered in England. In the Court's view, CPR 62.21 and 62.21 (4) simply crystallises what is a methodical and logical approach and can be used as a guide to ensure that these two pre-requisite criteria are in fact established.

23. To establish the authenticity of an ICSID award, firstly, the Claimant should present certification and/ or verification and/or present a duly authenticated copy of the relevant ICSID Award. On the factual matrix before this Court, that information has been provided by virtue of paragraphs 37 to 39 of the Hayes Affidavit.

24. Secondly, the Court must be furnished with the information as to the names and addresses of the relevant parties to the said Award and that information was provided to this Court by virtue of the information contained in paragraphs 9 to 11 of the Hayes Affidavit.

25. Thirdly, the Court must be satisfied that the Claimants are in fact entitled to register and enforce the ICSID Award and at the date of the request for registration the Court must know what aspect of the ICSID Award remains unsatisfied. This information has been

provided to this Court by virtue of the information contained in paragraphs 40, 41 ,42 43, 44, 45, 48 and 49 of the Hayes Affidavit.

26. Where the ICSID Award makes provision for the payment of interest, the Court should be satisfied as to the amount of interest which is owed, the date from which interest is recoverable and the date on which it ceases to accrue. This information was provided to this Court by virtue of the information contained in paragraphs 47, 48 and 49 of the Hayes Affidavit.

27. Finally, the Court must be satisfied that as at the date of the Registration and Enforcement Application, that the Award has not been stayed either provisionally or otherwise under the Convention and this information has been provided by virtue of paragraphs 66 to 68 of the Hayes Affidavit. This evidence demonstrates that the Annulment Application which was brought by Venezuela was in fact dismissed in its entirety on the 22 January 2025.

28. The Court next addressed its mind as to the issue as to whether or not the instant application ought properly to proceed on an *ex parte* basis and/or whether service and/or notice was required.

29. The Court had regard to Part 78.2(1) CPR which permits the Claimants to proceed *ex parte* in as far as it states that, "An application to have a judgment within the meaning of the Act and to which the Act applies registered in the High Court may be made without notice". Given the obligation under the Convention where the registration of the ICSID Award is essentially a matter of right, no useful purpose can be served by either effecting service or giving notice since no position can be advanced before the Court which would deprive the Claimant of its right to registration in the jurisdiction, provided that the prerequisite conditions that the Award is authentic and that same has not been stayed provisionally or otherwise under the Convention have been established.

30. It is therefore the view of this Court that the application for registration ought properly to proceed on an *ex parte* basis.

31. The Court also notes that Venezuela, as a Contracting State to the Convention, withdrew from same on the 24 January 2012 but it holds the view that the said withdrawal from the ICSID Convention is of no moment and has no impact on the Claimant's ability to seek its order for registration and enforcement of the ICSID Award in this jurisdiction.

32. Notably, the withdrawal from the Convention occurred after the cause of action pursued in the ISCID Arbitration process had been crystallised and after the notice of arbitration had been issued.

33. The approach adopted by the Court was formed having regard to the position that was outlined in the **Blue Bank International & Trust (Barbados) Limited v. Bolivarian Republic of Venezuela, ICSID Case No. ARB/12/20**. Notably, the Claimants before this Court are even in a stronger position than the claimant in *Blue Bank* as they had requested the ICSID Arbitration on the 2 November 2007 long before Venezuela denounced the Convention under Article 71.

34. The Court also addressed its mind to the issue as to whether or not sovereign immunity may operate as a defence to registration and whether service ought to be effected so as to enable the Bolivarian Republic of Venezuela to articulate any position as it relates to sovereign immunity relative to the registration of the ICSID Award in this jurisdiction.

35. This Court has recognised that Articles 54(3) and 55 of the Convention outline that the Courts of contracting states cannot accept a sovereign immunity defence to the registration of an ICSID award and this Court holds the view that the applicability of sovereign immunity may only be raised by the debtor in an attempt to resist any execution against its assets.

36. The Court also holds the view that notification of the registration of an ICSID award would be required so as to accord with the tenets of natural justice. Such notice would alert the debtor as to the possibility that subsequent enforcement action may be engaged.

37. The Court is of the view that the notice of the registration of the ICSID Award in this jurisdiction would be best effected by granting the following order in terms of paragraph 4 of the Draft Order as follows:

> "In accordance with CPR 7.8(3)(e), CPR 5.12 and CPR 78.6(1), the Claimants shall give notice to the Defendant of registration of the ICSID Award as a judgment of the Court by the following alternative/specified methods (a) email to (i) casosinternacionalesvzla@gmail.com, (ii) relaciones.consulares@mppre.gob.ve, and (iii) henryfacchinetti@yahoo.com; and (b) hand delivery to the Venezuelan Embassy in Trinidad & Tobago in Port of Spain; attaching/providing a covering letter which annexes a certified translation into Spanish of the judgment, and is addressed to the attention of:
>
> (a) Bolivarian Republic of Venezuela, Ministerio del Poder Popular para Relaciones Exteriores, Oficina de Relaciones Consulares, Avenida Urdaneta, Esquina de Carmelitas a Puente Llaguno, Edificio Anexo a la Torre MRE Piso 1, Caracas, 1010, República Bolivariana de Venezuela;
>
> (b) Tarek William Saab, Attorney General of Venezuela, Procuraduria General de la Republíca Venezuela, Av. Los Ilustres, cruce con calle Francisco lazo Martí, Edificio Sede Procuraduría General de la Republíca, Caracas 1041, Distrito Capital, Venezuela; and
>
> (c) His Excellency Alvaro Enrique Sanchez Cordero, Ambassador Extraordinary & Plenipotentiary, Embassy of The Bolivarian Republic of Venezuela, No. 16 Victoria Avenue, Port of Spain, Trinidad & Tobago."

38. Part 78.6 CPR provides for notice of registration and Part 78.6(1) states, " Notice of the registration of a judgment must be served on the judgment debtor by delivering it to him personally or in such other manner as the court may direct." The Court takes judicial notice of the fact of the difficulties which the Claimants had in effecting service of this Court's order in a previous action involving PDVSA (CV2024-01843) and the fact that the Court had to make subsequent amended orders in light of the difficulties which arose as it relates to service.

39. In addition, subsequent to the order generated in the PDVSA matter, on 29 November 2024 Venezuela introduced the Simon Bolivar Liberator Organic Law Against the Imperialist Blockade and in Defence of the Bolivarian Republic of Venezuela. By virtue of Article 7(5), service of the notice of registration would be impossible or impractical and potentially expose the process server to the risk of criminal prosecution.

40. In those circumstances, service by other means would be appropriate and the Court is of the view that the processes as outlined would be adequate and would in effect bring notice of the proceedings to the Bolivarian Republic of Venezuela. In addition, the Court takes notice of the fact that in the previous PDVSA proceedings, when service was effected upon The Venezuelan Ambassador to the Republic of Trinidad and Tobago, His Excellency Alvaro Enrique Sanchez Cordero, a representation was made by His Excellency to Ms Vailloo, Attorney-at-law, upon serving documents in that matter to him, that the documents and its contents would be brought to the attention of the Government of Venezuela.

41. The right to registration exists independently of the ability to enforce the award in the jurisdiction. The Court also notes there is no provision contained in the ICSID Act which sets as a precondition to registration or enforcement or the need to establish and convince the Court of existence of any assets by the debtor, in the jurisdiction.

42. The Court also notes that the Claimants have sought by way of full and frank disclosure to bring before the Court the information relative to other awards which the Claimants have as against the State of Venezuela or entities which operate in Venezuela and have undertaken that there would be no duplication of recovery as it relates to the enforcement process.

43. For the reasons outlined the Court hereby issues the following orders:

    a. The 8 March 2019 ICSID Award made by the Arbitral Tribunal of International Centre for the Settlement of Investment Disputes, as rectified by decision dated 29 August 2019, made in the matter of ICSID Case No. ARB/07/30 - ConocoPhillips Petrozuata B.V., ConocoPhillips Hamaca B.V., ConocoPhillips Gulf of Paria B.V. and ConocoPhillips Company -v- Bolivarian Republic of Venezuela, shall be registered and enforced as a judgment of the Court ("the Registration & Enforcement Judgment") which shall be entered on the same day as, and accompanies, this Order pursuant to the Court's common law powers and the provisions of: (a) sections 3(1) and 4 of the Investments Disputes Awards (Enforcement) Act CAP. 5:03 ("the ICSID Act"); (b) sections 9 and 14 of the Supreme Court of Judicature Act CAP. 4:01 ("the Supreme Court Act") which empower the Court to import English procedural law to fill lacunas in the procedural law of Trinidad & Tobago; and (c) Part 78 of the Consolidated Civil Proceedings Rules of Trinidad & Tobago ("the CPR") as supplemented by rule 62.21 of the England & Wales Civil Procedure Rules 1998.
    b. Subject to paragraph (g) below, the Claimants are permitted to enforce the Registration & Enforcement Judgment by levying execution against the Defendant's assets in the jurisdiction.
    c. The Claimants are not required to serve the Registration & Enforcement Application, the Hayes Affidavit, this Order, the Registration & Enforcement Judgment, or any other documents filed in proceedings on the Defendants since all that is required under CPR 78.6 (1) to (3) (excluding subsection 3 (c) to (d)) is

for the Claimants to give notice of the Registration & Enforcement Judgment to the Defendant.

d. Pursuant to CPR 7.8(3)(e), CPR 5.12 and CPR 78.6(1) and (3)(a) – (b), the Claimants are permitted to give notice and shall give notice, in English and by way of a certified Spanish translation thereof, to the Defendant of the Registration & Enforcement Judgment and this Order, within 21 days of the date of this Order as follows, by the specified method of (a) email to (i) casosinternacionalesvzla@gmail.com, (ii) relaciones.consulares@mppre.gob.ve, and (iii) henryfacchinetti@yahoo.com; and (b) hand delivery to the Venezuelan Embassy in Trinidad & Tobago in Port of Spain; attaching/providing a covering letter which annexes a certified translation into Spanish of the judgment, and is addressed to the attention of:
    i. Bolivarian Republic of Venezuela, Ministerio del Poder Popular para Relaciones Exteriores, Oficina de Relaciones Consulares, Avenida Urdaneta, Esquina de "Carmelitas a Puente Llaguno, Edificio Anexo a la Torre MRE Piso 1, Caracas, 1010, República Bolivariana de Venezuela;
    ii. Tarek William Saab, Attorney General of Venezuela, Procuraduria General de la Republíca Venezuela, Av. Los Ilustres, cruce con calle Francisco lazo Martí, Edificio Sede Procuraduría General de la Republíca, Caracas 1041, Distrito Capital, Venezuela; and
    iii. His Excellency Alvaro Enrique Sanchez Cordero, Ambassador Extraordinary & Plenipotentiary, Embassy of the Republic of Venezuela, No. 16 Victoria Avenue, Port of Spain, Trinidad & Tobago.
e. The deemed date of service of the notice described in paragraph (d) will be the date on which the emails are sent and the date on which hand delivery of the notice is effected.
f. The Defendant shall have 7 days from the date of receiving notice in accordance with paragraph (d) above, if so advised, to enter an appearance to challenge by

way of application, the levying of execution against the Defendant's asset in connection with enforcement of the Registration & Enforcement Judgment.

g. The Claimants are permitted to proceed to enforce the Registration & Enforcement Judgment by levying execution against the Defendant's assets in Trinidad & Tobago only after the expiration of the 7-day period within which the Defendant is entitled to enter an appearance to challenge the Claimants' legal entitlement to levy execution under paragraph (f) above.

h. The Defendant shall pay the Claimants' costs of the Registration & Enforcement Application.

i. The parties have liberty to apply if so advised.

j. The Court shall from time to time grant such further orders and relief or give such directions as it deems just and appropriate in the circumstances.

……..

FRANK SEEPERSAD

JUDGE

Assisted by Mr Liam Labban JRC