

URGENT

By Hand

By E-Mail: chiefjustice@lawcourts.gov.bb

28th September 2012

Hon Marston Gibson
Chief Justice of Barbados
Law Courts
Whitepark Road
St Michael

Dear Chief Justice

Re: High Court Action No 1805 of 1998 – M I Knox v E A B Deane *et al* re Review of Taxation of Costs

I am today informed that you have given a direction that all pending matters filed in the Supreme Court of Barbados involving Kingsland Estates Limited, its former and present shareholders and its former and present directors are to be heard before Alleyne J (Ag).

I am constrained to point out to you the following:

1. That I act for Classic Investments Limited, one of the Respondents in the above action.
2. That the six (6) Bills of Costs of the Respondents, which are the subject matter of the review, were taxed by the Taxing Master: as to one on 15th February 2002 and the remaining five on 7th May 2002.
3. That following the application of the Applicant for review of the taxed Bills of Costs, the review was part heard before Worrell J who made an interim order on 17th August 2010 for the production of the notes of the Taxing Master, which order has not yet been complied with.
4. That an application has been made by the Applicant for Worrell J to recuse himself from the continued hearing of this application because of an action filed by the Applicant, CV No0069 of 2011 – M I Knox v The Attorney General, complaining of the conduct of Worrell J on the review.

According to my information, the notes of the Taxing Master are presently available and are awaiting signature.

The conduct of the Applicant in all Kingsland matters since the ruling of the Judicial Committee of the Privy Council in 2005 and the takeover by that company by Classic Investments Limited to the extent of 86% of its shareholding has been to delay the resolution of all outstanding matters.

Hon Marston Gibson
Chief Justice of Barbados

Re: High Court Action No 1805 of 1998 – Mrs M I Knox v E A B Deane *et al* re Review of Taxation of Costs

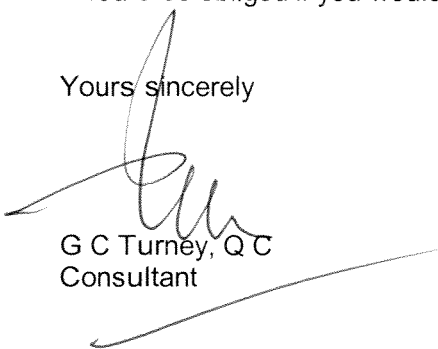
In my view the transfer of this part-heard review from Worrell J to Alleyne J (Ag) would, in the circumstances, be unfair and inequitable to the Respondents for much time has elapsed since taxation and the commencement of the review.

To further delay resolution of this matter by starting afresh only benefits the Applicant for, until the quantum of the taxed costs is finalised there is no obligation on the Applicant to pay these costs, thus depriving the Respondents of the fruits of their victory.

In these circumstances, in the interest of justice, it is my view that the review of the taxation of costs should be continued before Worrell J.

I would be obliged if you would let me have a reply to this letter at your earliest possible convenience.

Yours sincerely



G C Turney, QC
Consultant

c: The Registrar of the Supreme Court
Mr Alair P Shepherd, QC
Mr Vernon O Smith, QC
Mr Leslie F Haynes, QC
Ms Doria M Moore
Kingsland Estates Limited (Mr Richard I Cox)