

**COMMONWEALTH OF THE BAHAMAS**

**IN THE SUPREME COURT**

**Common Law and Equity Division**

**2018/CLE/gen/01134**

**IN THE MATTER** of the trusts of the Deed of Settlement dated 30 June, 1992 and designated as the Glenfinnan Settlement

**AND IN THE MATTER** of an application by the Plaintiff as Beneficiary of the said Trust and made pursuant to Sections 48 and 50 of the Trustee Act 1998 and the inherent jurisdiction of the Court

**BETWEEN**

**ASHLEY DAWSON-DAMER**

Plaintiff

**AND**

**(1) GRAMPIAN TRUST COMPANY LIMITED  
(2) MARK RUSSELL COHEN  
(3) MICHAEL MORRISON**

Defendants

Before Hon. Ian R. Winder

Appearances: Richard Wilson QC with John Minns for the Plaintiff

Simon Taube, QC with Sean Moree and Vanessa Smith for the First Defendant

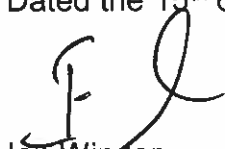
1 July 2019, 24 October 2019 and 15 January 2020

**RULING ON COSTS**

**WINDER, J**

1. This is my brief decision on the question of costs arising from the determination of two summonses for discovery by the parties which were heard together on 17 September 2019 and for which I gave a written decision on 24 October 2019. At the conclusion of my decision I invited the parties to lay over submissions on the proper order for costs. Those submissions have been received and considered.
2. At the hearing the summonses on 17 September 2019, Grampian moved a privacy application which caused a considerable amount of the material sought by Ashley to be obtained. Of the balance of what was left to be argued, some matters were deferred to the completion of the discovery process. The court found in favor of Grampian on the issue of disclosure of the family advisors' papers. The Court also found in favor of Ashley on the considerably smaller application for specific discovery of her financial circumstances, albeit on a technical finding.
3. Whilst the bulk of the legal arguments and discussion on 17 September 2019 were focused on the family advisors' papers, the privacy application moved on the morning of the hearing made the request for a considerable amount of the material sought by Ashley Moot. But for Ashley's application for specific discovery the privacy summons would likely not have been moved and the material would likely not have been exchanged.
4. Having heard the submissions and weighing the issues, I am satisfied that the appropriate costs order would be for Grampian to pay 30% of Ashley's costs relative to the applications. Such costs to be taxed if not agreed.

Dated the 15<sup>th</sup> day of January 2020



Ian Winder

Justice