

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
Admiralty Division
2015/COM/adm/FP/0004
BETWEEN**



**ARES CUSTOM YACHTS, INC.
Plaintiff**

AND

**THE OWNERS AND PARTIES INTERESTED
IN THE MOTOR VESSEL "LADY ELYSE"
Defendant**

BEFORE: The Honourable Justice Petra M. Hanna-Adderley

APPEARANCES: Mr. Ashley Williams along with Mr. Richard Horton for the
Defendant
Mr. W. Christopher Gouthro for the Plaintiff

HEARING DATE: June 13, A. D., 2019

RULING

Hanna-Adderley, J

This is an application for leave to appeal out of time and for a Stay.

Introduction:

1. On April 11, 2019 I granted the Defendant's application to strike out the Plaintiff's pleadings and gave Judgment for the Defendant and costs following the Plaintiff's failure to comply with an Unless Order made herein on August 24, 2018 and filed on October 29, 2018 ("**the Unless Order**"). At paragraph 13 of the Unless Order the Court ordered that unless the Plaintiff complied with the terms of the Unless Order, its pleadings would be struck out and the Defendant be awarded Judgment with costs of the action. While the Plaintiff vigorously opposed the Defendant's strike out application at the hearing on April 11, 2019, it did not apply for relief from sanctions pursuant to Order 31A Rule 25 (2) of the Rules of The Supreme Court ("**RSC**"). Nor did the Plaintiff ask for leave to appeal the Ruling made on April 11, 2019 ("**the Ruling**").
2. On April 15, 2019 the Plaintiff filed a Notice of Appeal in the Court of Appeal appealing the Ruling.
3. On May 17, 2019 the Plaintiff filed a Summons seeking leave to appeal out of time the Ruling on the grounds set out in the Notice of Appeal and further, an Order staying the Ruling pending the appeal. The Summons is supported by the Affidavit of Ms. Ronissa-Kay Carter filed herein on June 5, 2019. The Plaintiff relies on Submissions dated June 11, 2019 and the Defendant relies on the Defendant's Skeleton Arguments dated June 12, 2019.

Statement of Facts

4. Ms. Ronissa-Kay Carter states in her Affidavit that the Plaintiff is applying for leave to appeal the Ruling and for leave to amend the Summons seeking leave to include an application to extend the time to appeal and a stay pending the appeal. Ms. Carter exhibited the Notice of Appeal to her affidavit and stated that she verily believed that the said grounds of appeal are good grounds on which to appeal and that the appeal has a substantial chance of success.
5. The grounds set out in the Notice of Appeal are as follows, that:
 - "1. The Learned Honourable Justice failed to consider or properly consider whether the Unless Order was clear.

2. The Learned Honourable Justice failed to consider or properly consider whether there was in fact any breach of the Unless Order.
3. The Learned Honourable Justice failed to consider or properly consider the non-compliance of the Unless Order by the Respondent.
4. The Learned Honourable Justice failed to consider or properly consider the Affidavit of the Appellant and Counsel.
5. The Learned Honourable Justice failed to properly exercise her discretion in striking out the action by failing to or failing adequately to take into consideration the above and the relevant case law."

Background

6. Some background facts are helpful. The failure of the Plaintiff to comply with 2 Directions Order filed on October 20, 2017 and April 19, 2018 prompted the Defendant to seek the Unless Order. I refer to these failures in paragraph 53 of the Ruling. The Unless Order stated:

"3. The Plaintiff do allow for physical inspection of the originals of any of its documents at the Defendant's attorneys' offices on or before the 27th September, 2018.

4. The Plaintiff do prepare and file Agreed Bundles of Documents and Pleadings on or before the 25th October, 2018 such bundles to be paginated and to include a contents page listing the documents and pleadings included;

5. Any documents that cannot be agreed to be admitted must be included in a Bundle of Documents to be filed and served by the party seeking to have them admitted on or before the 1st November, such bundles to be paginated and include a contents page listing the documents included;"

And paragraph 13 of the Unless Order states:

"13. Unless the Plaintiff do comply with the terms of this Order the Plaintiff's pleadings be struck out and the Defendant awarded Judgment with costs of the action; ..."

7. In his opposition to the strike out application the Plaintiff failed to give the Court a satisfactory reason for failing to produce the original documents for inspection

or for failing to file an agreed Bundle of Documents and one not Agreed by the parties within the time specified in the Unless Order.

Submissions

8. Mr. W. Christopher Gouthro, Counsel for the Plaintiff submitted that this application for leave to appeal is made pursuant to the Court's inherent jurisdiction which he submits is supported by Order 59 (3) (1) of the White Book, states that: "An appeal to the Court of Appeal shall be by way of rehearing and must be brought by motion, and the notice of the motion is referred to in this Order as "notice of appeal". He also submitted that the Plaintiff appealed the Ruling within the time to appeal, i.e. 14 days pursuant to Order 11 of the Court of Appeal Rules ("**the Rules**"), but without realizing that it should have obtained leave to appeal an interlocutory decision. He asked the Court to grant him leave to appeal the Ruling, so as to validate the Notice of Appeal filed on April 15, 2019. Mr. Gouthro referred the Court to the case of Pease Holding Limited v FirstCaribbean International Bank (Bahamas) Ltd. SCCiv AppSide No. 57 of 2014.
9. Mr. Ashley Williams, Counsel for the Defendant submitted, in part, that the "Notice of Appeal", having been filed without obtaining leave, is a nullity. He referred the Court to the case of **AWH Fund Limited (In Compulsory Liquidation) v. ZCM Asset Holding Company (Bermuda) Limited** [2014] 2 BHS J. No. 53.
10. Mr. Williams submitted that it is also arguable that, having filed a Notice of Appeal in the Court of Appeal, the Supreme Court's powers vis-a-vis an application for leave are now *functus*. (See paragraph 4 of **AWH Fund Limited** (*supra*), where Allen, P. recounts the (unreported) decision of Bain, J. below.)
11. It is his submission that the Plaintiff's Summons seeks "leave to appeal out of time" but it appears that the Plaintiff is asking this Honourable Court for an extension of time. Mr. Williams submitted that the Supreme Court has no jurisdiction to extend the time limited for applying for leave to appeal and that Rule 9 of the Court of Appeal Rules conveys power to extend the time for the doing of anything to which the rules relate. That "the Court" in Rule 2 is defined as "the Court of Appeal". He also submitted that Order 3, Rule 4 of the RSC cannot avail the Plaintiff because

that rule only applies to extensions of time limits prescribed "by these Rules, or by any judgment, order or direction..." That the time limit in this case is prescribed by the Court of Appeal Rules, specifically, Rule 11(1)(a).

12. Mr. Williams submitted that in England & Wales, where Order 59, Rule 15 of the old Rules of the Supreme Court gave the Supreme Court power to extend or abridge time for serving a notice of appeal, this still did not apply in cases where an application for an extension was not made until after the time had already expired (See paragraphs 59/14/7 and 59/15/1 of the Supreme Court Practice 1991). Mr. Williams submitted that this application having been made out of time, and this Honourable Court having no jurisdiction to extend such time, the Court is constrained to deny the Plaintiff's application.
13. Mr. Williams submitted, in the alternative, that if the Defendant is wrong and the Court finds that it does have jurisdiction to extend time the well-established considerations are as set out in **CM Van Stillevoeldt BV v. El Carriers Inc** [1983] 1 All ER 699 and **Norwich and Peterborough Building Society v. Stead** [1991] 2 All ER 800. These considerations being: (1) What is the length of the delay? (2) What were the reasons for the delay? (3) What is the chance of the appeal succeeding if the time is extended? (4) What is the degree of prejudice to the intended respondent if the application is granted?
14. Mr. Williams submitted that the Ruling was pronounced on the April 11, 2019. While a "Notice of Appeal" was filed on the April 15, 2019, it was a nullity. The last day for an application for leave to be filed within time was 14 days after the April 11, or the April 25, 2019. The application for leave was not filed until at least the May 17, 2019 being 22 days later. He further submitted that the Plaintiff has given no reason for the delay beyond a statement contained in the Plaintiff's skeleton arguments that the Plaintiff did not realize that it needed leave. Although this may be the reason, it hardly excuses the delay.
15. Mr. Williams argued that the Plaintiff has not addressed the prospects of success, beyond a bald statement in Ms. Carter's Affidavit in reference to the grounds contained in the Notice of Appeal that "*the aforementioned grounds are good*

grounds on which to appeal and that the appeal has a substantial chance of success." It is his submission that the Plaintiff has to do more than this where the decision sought to be appealed from was made further to the exercise of the Court's discretion.

16. Mr. Williams submitted that in terms of prejudice, the Plaintiff's delay in promptly seeking leave has meant that the trial date of June 2019 has passed. He submitted that if the Plaintiff had sought leave promptly and been successful, it may have been possible to save the June trial date in the Court's calendar. As it is, if the appeal is successful, it is expected that the Court would not be able to accommodate a 2 week trial for some time, perhaps not even until 2020. Such a delay, since the facts to which this case relates took place in 2014 and 2015, would be bound to prejudice the Defendant, since witnesses may no longer be available and, even if they are, recollections will fade.
17. Mr. Williams also made submissions on the Plaintiff's application for a stay of the Ruling. He submitted that if the Court accedes to the Defendant's arguments and dismisses the application for leave the stay application must also fall away. However, he submitted, in the event the Court determines to proceed to hear the stay application, there are only two (2) effects of the said ruling that could be subject to a stay, the enforcement of the order for costs and the release of the Defendant's security.
18. He submitted that in regard to the Defendant's security, the Plaintiff's application is made too late because the Defendant's security was released back to it on the May 14, 2019 (i.e. before the application for a stay was even filed). In any case it is well established that a party who gives security and is subsequently successful will always receive repayment of the security, even if a stay of execution under his judgment has been ordered pending the appeal. (**The Bernisse and The Elve** [1920] P. 1 and **Comitato, etc. v. Instone** [1922] W.N. 260, as cited by the editors of the **Supreme Court Practice 1991** at paragraph 59/13/3)
19. Further, he submitted that in respect to the payment of costs, generally speaking the Court does not *'make a practice of depriving a successful litigant of the fruits*

*of his litigation, and locking up funds to which prima facie he is entitled,' pending an appeal. (**The Anno Lyle** (1886) 11 PD 114, p. 116 CA.) Moreover, he submitted that the Plaintiff has made no effort to show why the Court should depart from this general position.*

Issues

20. The issues to be determined by the Court are:

- (1) Whether the Court has jurisdiction to grant leave at this juncture and whether the grounds put forward by the applicant have any realistic prospect of success;
- (2) Whether the Court has the jurisdiction to grant an extension of time in which to appeal;
- (3) Whether justice requires that a Stay be granted and whether the appeal has some prospect of success which would justify a Stay of the Ruling.

Analysis and Conclusions

The Law

Appeals to the Court of Appeal

21. Rule 11 (1) (a) of the Rules provides:

"11. (1) Every notice of appeal shall be filed and a copy thereof served by the appellant upon all parties to the proceedings in the court below who are directly affected by the appeal —

(a) in the case of an appeal from an interlocutory order, fourteen days; "

Extension of time

22. Rule 9 (1) (a) of the Rules provides:

"9. (1) The Court may, on such terms as it thinks just, by order —

(a) extend the period prescribed by these Rules for the doing of anything to which these Rules apply;"

Leave to appeal

23. It is common ground between the parties that the Plaintiff required leave to appeal the Ruling since the same was made in interlocutory proceedings. **AWH Fund**

Limited (supra) established, in line with Bahamian authorities, that a Notice of Appeal filed pursuant to Rule 11 (1) (a), without leave to appeal from the lower Court, is a nullity. As I understand **AWH Fund Limited** the Court of Appeal accepted that Bain, J in the Court below had denied the applicant leave to appeal her decision. The Court of Appeal then went on to determine whether the applicant ought to be given an extension of time in which to appeal the decision. I am of the view that in the instant case, the Notice of Appeal filed April 15, 2019, without leave from the Court below, is a nullity. I am also of the view that the Court has jurisdiction and is not now precluded from hearing the Plaintiff's application **for leave to appeal**. Mr. Gouthro has asked the Court to extend the time in which to appeal and to validate the Notice of Appeal. However, I accept the submissions of Mr. Williams on this point. Pursuant to Rule 9 (1) (a) of the Court of Appeal Rules "the Court" is the Court of Appeal and the Court of first instance has no jurisdiction to extend the time in which to appeal. Once leave is obtained the application for the extension of time must be made to the Court of Appeal.

24. Mr. Gouthro did refer the Court to the case of **Peace Holdings Ltd.** (supra). As I understand that case the Court of Appeal did affirm in its Judgment that leave of the lower court is required in the case of interlocutory orders appealed to the Court of Appeal. In that case the leave if the lower court had not been obtained, however, because the Notice of Appeal appealed interlocutory orders as well as substantive findings in the case before the Court below the Court of Appeal decided to hear the whole appeal. Mr. Gouthro did not expound on the applicability of the case in his Submissions, but beyond the said affirmation by the Court of Appeal, I did not find that the case advanced Mr. Gouthro's position any further than that.

25. The general principles governing whether leave to appeal ought to be granted are well settled. As stated by the English Court of Appeal in Practice Note (Court of Appeal) [1999] 1 All ER 186, a function of the Court is to weed out hopeless appeals. In particular it states:-

- "7. The experience of the Court of Appeal is that many appeals and applications for leave to appeal are made which are quite hopeless. They demonstrate basic misconceptions as to the purpose of the civil appeal system and the different roles played by appellate courts and courts of first instance. Courts of first instance have a crucial role in determining applications for leave to appeal."
26. The guiding principle in determining whether leave to appeal should be granted is set out in the Practice Note provided in the case of **Smith v Cosworth Casting Processes Ltd.** (1997) 4 All ER 840 where Lord Woolf stated:
"The Court will only refuse leave if satisfied that the applicant has no realistic prospect of succeeding on the appeal. This test is not meant to be any different from that which is sometimes used, which is that the applicant has no arguable case. Why, however, this court has decided to adopt the former phrase is because the use of the word 'realistic' makes it clear that a fanciful prospect or an unrealistic argument is not sufficient".
27. If there is any doubt that leave ought to be granted, the Court ought to refuse leave to appeal, as set out at paragraph 8 of the 1999 Practice Note (Court of Appeal: procedure) which states:
"[I]f the court of first instance is in doubt whether an appeal would have a real prospect of success or involves a point of general principle, the safe course is to refuse leave to appeal. It is always open to the Court of Appeal to grant leave."
(See **Bethell v Barnett and others** [2011] 1 BHS J. No. 64 where Isaacs, J as he then was, accepted and applied these principles).

A Stay pending appeal

28. Order 31A Rule 18 (2) (d) of the RSC provides that the Court may stay the whole or part of any proceedings generally or until a specified date or event.
29. Rule 12(1)(a) of the Rules, 2005 provides:
"(1) Except so far as the court below or the court may otherwise direct:
(a) an appeal shall not operate as a stay of execution or of proceedings under the decision of the court below."

30. The applicable principles on stay pending appeal applications is dealt with in **Odgers On Civil Court Actions** at page 460 which states:
- "Although the court will not without good reason delay a successful plaintiff in obtaining the fruits of his judgment, it has power to stay execution if justice requires that the defendant should have this protection[...] [The] court has wide powers under the Rules of the Supreme Court."
31. As to how that discretion ought be exercised in these circumstances, Brett, LJ in the case of **Wilson v Church No. 2** [1879] 12 Ch.D. 454 at 459 stated:
- "This is an application to the discretion of the Court, but I think that Mr. Benjamin has laid down the proper rule of conduct for the exercise of discretion, that where the right of appeal exists, and the question is whether the fund shall be paid out of Court, the Court as a general rule ought to exercise its best discretion in a way so as not to prevent the appeal, if successful, from being nugatory."
32. In **Linotype-Hell Finance Ltd. v Baker** [1993] 1 WLR 321 Staughton L.J. opined at page 323:
- "It seems to me that, if the defendant can say that without a stay of execution he will be ruined and that he has an appeal which has some prospect of success, that is a legitimate ground for granting a stay of execution."
33. As I understand L.J. Staughton above, a Court may grant the application of an unsuccessful party if he is able to satisfy the court that without a stay of execution he will be ruined and that he has an appeal which has some prospect of success. This however requires evidence and not bare assertions.
34. The case of **Hammond Suddards Solicitors v Agrichem International Holdings Ltd** [2001] EWCA Civ 2065 at para 22 (per Clarke JL and Wall J) sets out additional principles that the Court should be guided by in considering an application for a stay pending an appeal:
- "By CPR rule 52.7, unless the appeal court or the lower court orders otherwise, an appeal does not operate as a stay of execution of the orders of the lower court. It follows that the court has a discretion whether or not to grant a stay. Whether the court should exercise its discretion to grant a stay will depend upon all the

circumstances of the case, but the essential question is whether there is a risk of injustice to one or other or both parties if it grants or refuses a stay. In particular, if a stay is refused what are the risks of the appeal being stifled? If a stay is granted and the appeal fails, what are the risks that the respondent will be unable to enforce the judgment? On the other hand, if a stay is refused and the appeal succeeds, and the judgment is enforced in the meantime, what are the risks of the appellant being able to recover any monies paid from the respondent?"

35. Guidance was also given by the English Court of Appeal in **Leicester Circuits Ltd v Coates Brothers plc** [2002] EWCA Civ 474. At para 13, Potter LJ said:

"The proper approach is to make the order which best accords with the interests of justice. Where there is a risk of harm to one party or another, whichever order is made, the court has to balance the alternatives to decide which is less likely to cause injustice. The normal rule is for no stay, but where the justice of that approach is in doubt, the answer may well depend on the perceived strength of the appeal."

36. It is against the above legal backdrop that the Court will consider this application.

Grounds of Appeal

Ground 1: The Learned Honourable Justice failed to consider or properly consider whether the Unless Order was clear.

37. Mr. Gouthro fails to state in his Submissions the manner in which the Unless Order is unclear or ambiguous. He did not raise this point at the strike out hearing. Ms. Carter's Affidavit is likewise deficient. In short no evidence has been lead by the Plaintiff to support this ground and a bare statement is insufficient. Moreover, there is nothing in my view unclear or ambiguous about paragraphs 3-5 and 13 of the Unless Order.

38. For all of the above reasons, this proposed ground of appeal has no realistic prospect of success and leave to appeal is refused.

Ground 2: The Learned Honourable Justice failed to consider or properly consider whether there was in fact any breach of the Unless Order.

39. Mr. Gouthro fails to state in his Submissions the manner in which the Court failed to consider whether the Unless Order was breached. Ms. Carter's Affidavit is likewise deficient. At paragraphs 4-16 of the Ruling the Court painstakingly summarizes the evidence of the parties as to what transpired between Mr. Gouthro and Mr. Richard Horton, a Registered Associate and Counsel for the Defendant, as they corresponded about attending to the inspection of the original documents and Mr. Horton's visit to Mr. Gouthro's office to carry out the inspection. What is incontrovertible is that through no fault of the Defendant the inspection of the original documents, which the Plaintiff had represented all along were available, did not occur within the time specified, nor did the Plaintiff file an agreed bundle of documents and a bundle "not agreed" within the time specified, and no good excuse for failing to do so was given by Mr. Gouthro. The Court came to this conclusion at paragraph 47 of the Ruling. Moreover, the Court was not satisfied with the reasons given by the Plaintiff for its failure to produce the original documents. Failing to produce the original documents or a satisfactory excuse for the failure amounts to a breach of the Unless Order. The Court thoroughly considered whether there had been a breach of the Unless Order.

40. For all of the above reasons, this proposed ground of appeal has no realistic prospect of success and leave to appeal is refused.

Ground 3: The Learned Honourable Justice failed to consider or properly consider the non-compliance of the Unless Order by the Respondent (Defendant).

41. Mr. Gouthro did not raise any alleged non-compliance by the Respondent (Defendant) with the Unless Order at the strike out hearing. He has not stated in his Submissions nor has Ms. Carter given evidence, of the manner in which the Respondent (Defendant) was non-compliant with the Unless Order. A bare statement is insufficient. In fact, Mr. Horton stated in his evidence set out in paragraph 12 of the Ruling that, in the Defendant's view, the trial could not proceed on the trial dates due to the volume of documents still to be prepared by

the parties and filed essentially, as a result of the Plaintiff's failure to comply with the Unless Order:

"12. Mr. Horton stated that the matter is not ready for trial. The Plaintiff's bundles are spread across 5 large binders, they are not in chronological order, the bundles are not paginated, and the largest bundle has no index in it, and the bundles have been prepared in respect to the 4 separate lists of documents filed by the Plaintiff. Mr. Horton stated that even if the Plaintiff's documents are acceptable in their current form, he doubted that the parties could still prepare the bundle of pleadings, statements of facts and issues, witness statements, expert reports, a bundle of witness statements and expert reports, and skeleton arguments in the short time left before trial."

The Court took this evidence and other evidence into consideration at paragraph 53 of the Ruling and agreed with the Defendant. In particular, the Court said:

"53. The Court clearly has the authority to strike out a Plaintiff's action for failure to comply with an Unless Order. There is no dispute that the Plaintiff did not comply with the orders made on October 20, 2017, April 19, 2018 and now the Unless Order. The record reflects and there is no doubt that the trial of this action has been delayed twice this far due to the default of the Plaintiff and with the number of documents to be prepared and filed outstanding at this juncture should the Court accede to the Plaintiff's position herein I am of the view that the trial would not proceed on June 3, 2019 and would have to be adjourned to 2020, 5 years since the commencement of the action."

42. For all of the above reasons, this proposed ground of appeal has no realistic prospect of success and leave to appeal is refused.

Ground 4: The Leaned Honourable Justice failed to consider or properly consider the Affidavit of the Appellant and Counsel.

43. At paragraph 8 of the Ruling the Court summarized Mr. Pineriro's Affidavit of Loss and at paragraph 9-10 Mr. Gouthro's Affidavit, both relied upon in opposition to the strike out application. At paragraph 54 of the Ruling the Court considered the deficiencies of Mr. Pineriro's Affidavit. While Mr. Gouthro's Affidavit was considered

by the Court it did not and cannot cure these deficiencies in the evidence. Neither Affiant provided a satisfactory excuse for the Plaintiff's inability to produce the original documents for inspection or to file agreed and not agreed bundles of documents for trial within the specified time.

44. For all of the above reasons, this proposed ground of appeal has no realistic prospect of success and leave to appeal is refused.

Ground 5: The Learned Honourable Justice failed to properly exercise her discretion in striking out the action by failing to or failing adequately to take into consideration the above and the relevant case law."

45. Mr. Gouthro has failed to state which principles of law or relevant case law were omitted from consideration by the Court in its Ruling. The Unless provisions contained in Order 31A, Rules 20-25 provide a balance between the competing rights of litigants and empowers the Court to make orders to discourage or punish delays. As hereinbefore-mentioned, the Plaintiff did not make a formal application for relief from sanctions under Order 31A Rule 25. However, had the Plaintiff satisfied the Court that its failure to comply with the Unless Order was not intentional or contumelious, and that there was a good explanation for the failure and that it had generally complied with all Directions Orders, the Court would have granted it relief from sanctions. The Plaintiff failed to do so. The Court analyzed in great depth the case law relied upon by Counsel for the parties and concluded that the case law relied upon by the Defendant supported its application to strike out the Plaintiff's pleadings.

46. For all of the above reasons, this proposed ground of appeal has no realistic prospect of success and leave to appeal is refused.

47. Having concluded that none of the proposed grounds of appeal have any realistic prospect of success and there being no point of general principle involved leave is refused.

Stay Application

48. Mr. Gouthro has not advanced any arguments in support of the application for a stay of the Ruling as pointed out by Mr. Williams in his submissions. Mr. Williams

also pointed out, and I accept, that the security for costs had been released before the stay application was made and that with respect to the costs order made in the Ruling, the Court does not usually deprive the successful party of its costs pending an appeal. Without a stay the Plaintiff will not be ruined, and as I have already determined, this appeal has very little chance of success.

49. In all the circumstances of this case, no harm or injustice would befall the Plaintiff should a stay be refused. A stay is hereby refused.

Disposition

50. In conclusion, I hereby dismiss the Summons filed on May 17, 2019 seeking leave to appeal and a stay pending appeal. As costs usually follow the event, and there being no reason to depart from this principle, costs in this application are awarded to the Defendant to be taxed if not agreed.

51. One final matter, that of the delay in delivering this Ruling. This application was heard on June 13, 2019 and the Court reserved its Ruling to a date to be fixed for the delivery of the same. Regrettably, the extensive renovations to the Garnet Levarity Justice Centre during most of 2019, and the disruption caused by Hurricane Dorian and the Covid 19 Pandemic are events which greatly interfered with the Courts writing schedule. I apologize profusely for the delays in this matter.

Dated this *21st* day of *August* A. D. 2021


Petra M. Hanna-Adderley
Justice

