

**COMMONWEALTH OF THE BAHAMAS**

**IN THE SUPREME COURT**

**Common Law and Equity Division**

**2022/CLE/gen/00317**

**IN THE MATTER of the Money Lending Act, Ch. 340 of the Statute Laws of The  
Commonwealth of The Bahamas**

**AND in the matter of Part 62, Section II of the Civil Procedure Rules**

**B E T W E E N**

**TEACHERS AND SALARIED WORKERS CO-OPERATIVE CREDIT UNION  
LIMITED**

**Claimant**

**AND**

**EMITTE BOOTLE**

**Defendant**

**Before:** Assistant Registrar Akeira Martin

**Appearances:** Ms. Bria Tai McCartney of Halsbury Chambers for the Claimant  
Mr. Emitte Bootle appearing Pro Se

**Heard:** 16<sup>th</sup> September 2025

**RULING**

- [1] After hearing the Defendant's application requesting that the matter be transferred to Grand Bahama **(the "Transfer Application")**, I dismissed the application and made an oral ruling that the matter would remain before me in New Providence.
- [2] This is my brief ruling providing written reasons for my decision as the Defendant has indicated his intention to appeal my decision.

**Brief Background**

- [3] By a Specially Endorsed Writ of Summons filed 11<sup>th</sup> September 2022 **(the "Writ")**, the Claimant sought the sum of \$46,700.88 from the Defendant as a result of the Defendant's breach of a Promissory Note dated 27<sup>th</sup> August 2018.

- [4] The action was filed in New Providence and the Claimant's address on the Writ is stated as Independence Drive and East Street, P.O. Box N-8325, Nassau, The Bahamas. The Claimant's address on the Writ is Murphy Town, Abaco, The Bahamas.
- [5] The Claimant was granted leave to enter Judgment against the Defendant by Order made 20<sup>th</sup> September 2022 and filed 4<sup>th</sup> October 2022. The Judgment itself was also filed 4<sup>th</sup> October 2022. This was as a result of the Defendant's failure to enter an Appearance or Defence within the requisite time after being personally served with the Writ on 14<sup>th</sup> March 2022.
- [6] The Defendant also failed to respond to the Claimant's Summons filed 3<sup>rd</sup> May 2022, seeking Judgment, which was personally served on him on 29<sup>th</sup> July 2022.
- [7] While there is no indication that the Order and Judgment were served on the Defendant prior to the Claimant filing its Application for Order to Attend Court on 3<sup>rd</sup> November 2023 (**the "Application"**), the Defendant became aware of the Order and Judgment on 2<sup>nd</sup> October 2024 when the Order, Judgment, Application and other documents were personally served on the Defendant as confirmed by the Claimant's Affidavit of Service filed 24<sup>th</sup> October 2024.
- [8] Prior to the Application being transferred to me, the Application was assigned to my brother Registrar, Renaldo Toote (Actg) and was scheduled to be heard on 17<sup>th</sup> March 2025 and 19<sup>th</sup> June 2025 by Zoom.
- [9] Prior to the said 19<sup>th</sup> June 2025 hearing date, the matter was transferred to me. The Defendant failed to appear despite being served with notice of the hearing date on 9<sup>th</sup> May 2025 and the hearing was rescheduled to 16<sup>th</sup> September 2025 at 10:00 a.m.

### **The Transfer Application**

- [10] By email dated 14<sup>th</sup> September 2025 (**the "14<sup>th</sup> September Email"**), the Defendant expressed his intention to address critical issues ahead of the Application. For ease of reference I set out the email below.

**From:** CONSULTANT <[consultantadvisors242@gmail.com](mailto:consultantadvisors242@gmail.com)>

**Date:** September 14, 2025 at 10:58:19 AM EDT

**To:** Candice Ferguson <[Candice.Ferguson@halsburylawchambers.com](mailto:Candice.Ferguson@halsburylawchambers.com)>

**Cc:** Branville McCartney

<[Branville.McCartney@halsburylawchambers.com](mailto:Branville.McCartney@halsburylawchambers.com)>,

[shelia.taylor@halsburylawchambers.com](mailto:shelia.taylor@halsburylawchambers.com)

**Subject:** Subject: Request for Zoom Hearing and Urgent Clarifications

**Good Morning, Attorney McCartney, Attorney Ferguson**

**I hope this message finds you well. I am writing to confirm receipt that on Friday September 12th, 2025, regarding your client's Notice of Adjourned Hearing that was delivered to me in Abaco. As indicated the matter is set for September 16th, 2025, at 10:00 AM.**

**In light of my current location in Abaco, I would respectfully request that this hearing be conducted via Zoom. This will ensure that all parties can participate effectively.**

**Additionally, there are critical issues that need to be addressed prior to our appearance before the Supreme Court. As I will be representing myself as a pro se litigant, I feel it is important to outline my key concerns:**

**1. I am contesting the jurisdiction of the Assistant Registrar Akera Martin to hear this matter in the Nassau Supreme Court. Given that this cause of action originated in the Northern Bahamas, it is my position that it should rightfully be heard in the Freeport Supreme Court, located in Grand Bahama in accordance with the New CPR Court Rules in Part 8 subsection**

**8.3 where to start proceedings**

**(4)a.**

**In the case of any other proceedings where --**

**either the cause of action arose or the defendant resides or carries on business in the northern region they shall be commence in the Court office in Grand Bahama.**

**8.3 (5) in any case the court can, either on its own motion or on an application without notice supported by an affidavit order that the proceedings are to be commenced in or transferred to any court office which it deems appropriate.**

**To facilitate a fair and just process, I am formally requesting a Notice of Motion to transfer this matter before a Justice of the Supreme Court.**

**Moreover, it would be greatly beneficial if your clients could provide several essential documents needed for our considerations before a Justice of the Supreme Court. This information is crucial for ensuring that any Justice or Registrar can make a fair decision on this matter.**

**I will be sending a Notice of Motion for the transfer along with an Application Requesting Information to your email shortly.**

**Thank you for your prompt attention to these significant matters. I look forward to your cooperation as we navigate this process. Please confirm that you received this email.**

**Best regards,**

**Mr. Emitte Bootle  
Defendant  
Pro se**

- [11] At the hearing of the Application, the Defendant informed the Court that he wished to file a Motion to transfer the matter to the Northern Region, Grand Bahama, as he resided in Abaco. He sought an adjournment to file his application but was advised to make his application orally, the Court having had sight of the 14<sup>th</sup> September Email.
- [12] Counsel for the Claimant, Ms. Bria Tai McCartney, objected to the Transfer Application and asked that the Defendant's Application be dismissed. She submitted that the Defendant was aware of the Application and that he had been aware for some time and that despite being given ample time to appeal this was the first time that he had raised this issue.

### **Discussion**

- [13] The Defendant's Application was made pursuant to **Part 8 Rule 8.3 (4) (a) of the Supreme Court Civil Procedure Rules, 2022 (the "CPR")** which states,

**"8.3 Where to start proceedings.**

- (1) This rule identifies the court office at which a claim form may be issued.**
- (2) Where proceedings relate to land in the Northern Region they shall be commenced in the court office in Grand Bahama.**
- (3) In all other cases relating to land, the court proceedings shall be commenced in the court office in New Providence.**
- (4) In the case of any other proceedings where —**
  - (a) either the cause of action arose or the defendant resides or carries on business in the Northern Region, they shall be commenced in the court office in Grand Bahama; or**

**(b) the cause of action arose or the defendant resides or carries on business in any place outside the Northern Region, they shall be commenced in the court office in New Providence.”**

[14] While the Writ was heard and Judgment granted under the RSC, enforcement proceedings commenced after the CPR came into force are subject to the CPR.

[15] Under **Part 2.1 of the CPR**, the Northern Region is defined as,

**“Northern Region” means the Family Islands of Abaco Bimini and Grand Bahama”**

[16] In relation to the decision not to adjourn to allow the Defendant to file a Notice of Application to set out his application I refer to **Rule 11.6 of Part 11 of the CPR** which states,

**“11.6 Application to be in writing.**

**(1) Subject to paragraph (2), an application must be in writing in Form G14.**

**(2) An application may be made orally if —**

**(a) the Court dispenses with the requirement for the application to be made in writing.”**

[17] The Transfer Application was not a complex one and the order requested was set out in the 14<sup>th</sup> September Email. The Defendant sought a transfer of the matter because he resided in Abaco. The Defendant was given an opportunity to be heard.

[18] In relation to his requests for documentation, the Writ, Order and Judgment were previously served on him and were directed to be served on him again at the end of the hearing of the Transfer Application and the Application. He will also be provided with a copy of this ruling containing the reasons for my decision which he can rely on for any appeal he wishes to lodge.

[19] As for the Transfer Application itself, I note the mandatory language of **Rule 8.13 (4) (a) of the CPR** which states that an action shall be commenced in the court office in Grand Bahama if the defendant resides or carries on business in the Northern Region.

[20] Despite the mandatory wording of **Rule 8.13 (4) (a) of the CPR, Rule 8.13 (5) of the CPR** vests the Court with a discretion to transfer or commence a matter to any court office if it is deemed appropriate. It states,

**“(5) In any case the court can, either on its own motion or on an application without notice supported by an affidavit, order that the proceedings are to be commenced in or transferred to any court office which it deems appropriate.”**

[21] The aforesaid discretion should be utilized with the overriding objective in mind, which states,

**1.1 The Overriding Objective.**

**(1) The overriding objective of these Rules is to enable the Court to deal with cases justly and at proportionate cost.**

**(2) Dealing justly with a case includes, so far as is practicable:**

- (a) ensuring that the parties are on an equal footing;**
- (b) saving expense;**
- (c) dealing with the case in ways which are proportionate to —**
  - (i) the amount of money involved;**
  - (ii) the importance of the case;**
  - (iii) the complexity of the issues; and**
  - (iv) the financial position of each party;**
- (d) ensuring that it is dealt with expeditiously and fairly;”**

along with its application, as set out in **Part 1.2 of the CPR,**

**“1.2 Application of overriding objective by the Court.**

**(1) The Court must seek to give effect to the overriding objective when**

**—**

- (a) exercising any powers under these Rules;**
- (b) exercising any discretion given to it by the Rules; or**
- (c) interpreting these Rules.**

**(2) These Rules shall be liberally construed to give effect to the overriding objective and, in particular, to secure the just, most expeditious and least expensive determination of every cause or matter on its merits.”**

[22] The action was commenced in New Providence and the Order and Judgment were made by a judicial officer sitting in New Providence. While the action was commenced in New Providence, the Claimant was always able to effect personal service on the Defendant as confirmed by the several affidavits on file.

[23] As an observation, the matter was commenced on the heel of the COVID-19 lockdowns, which speculatively may have resulted in the matter being heard remotely; remote hearings becoming the norm due to the aforesaid lockdowns.



[24] In any event, in adhering to the overriding objective's mandate to construe the CPR liberally, I exercised my discretion to deny the Transfer Application to the Northern Region as the Defendant would be able to defend himself by:

- appearing at any hearing via Zoom which ensures that no funding is needed to travel to New Providence or Grand Bahama; and
- filing any documents on the Supreme Court's E-Filing portal.

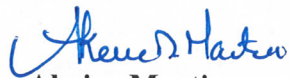
There would be no prejudice to the Defendant in keeping the matter in New Providence.

[25] Although, I must add to the first point, that even though the Defendant is a resident of Abaco, if the matter was transferred, there would still be a possibility that he would have had to travel to Grand Bahama incurring travel and accommodation expenses.

[26] Additionally, an adjournment of the Application to allow the Defendant time to formally file the Transfer Application would have created a further delay for the Claimant who has so far been unable to enjoy the fruit of its judgment.

[27] Accordingly, the Transfer Application is hereby dismissed.

**Dated the 17<sup>th</sup> day of September 2025**



**Akeira Martin**  
**Assistant Registrar**