

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
Common Law & Equity Division
2021/CLE/gen/00710**

**IN THE MATTER of The Bahamas Union of Teachers Constitution and
an application restraining the Named Defendants from exceeding their
Monetary Limit.**

BETWEEN

CYRIL MORRIS

[Executive Member of The Bahamas Union of Teachers]

Plaintiff

AND

**BELINDA WILSON
TIFFANY B. ROBERTS
LORRAINE KNOWLES
VERNINCHA SIMMONS**

***[Members of Executive Committee of The Bahamas Union of Teachers and
Financial Signatories of the Bahamas Union of Teachers]***

Defendants

Before Hon. Mr. Justice Ian R. Winder

Appearances: Kelphe Cunningham for the Plaintiff

Kahlil Parker with Roberta Quant for the Defendants

5 October 2021

RULING

WINDER, J

[1.] This is the second of two actions brought by the plaintiff challenging the appropriateness of decisions of his colleagues on the Executive Committee of the Bahamas Union of Teachers (the BUT).

[2.] In this case the plaintiff contends that the President and the Treasurer exceeded their spending authority when they authorized a payment to Providence Advisors in the amount of \$173,003.35 on 23 June 2021. At the hearing it was conceded that the defendants other than the President and the Treasurer were wrongfully joined as defendants.

[3.] As with the other action 2021/CLE/gen/00759, the Executive Committee passed a resolution to cure any defects (if existed) in its process. The resolution was to the effect that *“all prior, present or future payments made to the BUT Pension Plan with Providence Advisors are approved forthwith”*. The curing resolution was made subsequent to the commencement of these proceedings and prior to the hearing of the substantive application on 5 October 2021.

[4.] The effect of the curative resolutions by the Executive Committee has rendered the need for a hearing otiose. The plaintiff contends, nevertheless, that he should be entitled to the costs of the action and the defendants contend that they should be awarded costs as the claim was frivolous.

[5.] I accept that the decision of the Executive Committee to make subsequent resolutions has rendered the need for a trial unnecessary, whether their need to have done so was absolutely required or not. The plaintiff has also, admittedly, improperly joined two of the defendants and in the circumstances it seems that the appropriate order is that the action be dismissed with no order as to costs.

Dated this 25th day of October, 2021



Ian R. Winder

Justice