

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

Common Law and Equity Division

2023/CLE/qui/00219

IN THE MATTER OF all that piece parcel or tract of land situate at the Settlement of “Dean’s” approximately four (4) miles West of Clarence Town in the Island of Long Island one of the Islands of the Commonwealth of The Bahamas comprising Three hundred and Four and Sixty-five thousandths (304.065) acres

IN THE MATTER OF the Petition of THREE ANGLES BROADCASTING NETWORK, INC.

Before: The Honourable Chief Justice Sir Ian R. Winder

Appearances: Luther McDonald KC with Keri Sherman and Rashea Newbold for the Appellant
Bradley Cooper for the Adverse Claimant

Hearing date(s): 11 November 2024 and 3 December 2024

DECISION

WINDER, CJ

[1.] On 11 November 2024, the day fixed for the commencement of the trial of this quieting action, the trial had to be adjourned as a result of late filings by the adverse claimant to the prejudice of the Petitioner. As the nature of the proceedings are investigatory, it was necessary to adjourn the trial to January 2025, but I nonetheless ordered that the adverse claimant ought to bear the costs thrown away as a result of the adjournment. I indicated that I would fix these costs and invited submissions from the parties.

[2.] The Petitioner settled a pro forma bill of costs to demonstrate the costs incurred. Having considered the pro forma bill of costs I am satisfied that the only costs thrown away are: (1) the costs of attending the hearing on 11 November 2024; and (2) the travel expenses of the parties who attended for the hearing. All other expenses, in my view, would be necessary when the trial resumes in January and are therefore re-usable and not thrown away.

[3.] I was not satisfied that it would be reasonable for the adverse claimants to incur the legal fees incurred by the foreign instructing lawyers of the Petitioner, save for their travel disbursements.

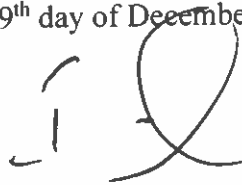
[4.] Legal fees associated with attending the hearing would be approved for two (2) counsel for four (4) hours each. This sum is \$6,600 based upon the following rates: Luther McDonald KC (at \$1,000 per hour) and Keri Sherman (at \$650 per hour).

[5.] Disbursements incurred would be approved at \$5,464.67, and broken down as follows:

Accommodations (3 days)	
Warren Rogers	660
Danny Shelton	750
Food	110
Car Rental (1/2 of claim)	366.67
Airfare	
Debra Weiss	1164.6
Gregory Simpson	1839.6
Warren Rodgers	303.4
Melvin Burrows	270.4
	\$5,464.67

[6.] In the circumstances I assess costs at \$12,064.67 (\$6,600 + \$5,464.67).

Dated this 9th day of December 2024

A handwritten signature in black ink, consisting of a stylized 'I' followed by a large, circular flourish.

Sir Ian R. Winder

Chief Justice