

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

Common Law & Equity Division

2013/CLE/gen/01344

B E T W E E N

COMMONWEALTH FRANCHISE HOLDINGS LIMITED

Plaintiff

AND

CASUAL DINING RESTAURANTS LTD.

First Defendant

AND

CHRISTOPHER A. MORTIMER

Second Defendant

AND

ISLAND BLOOM RESTAURANT LTD.

Third Defendant

AND

GALLERIA CINEMAS LTD.

Fourth Defendant

Before: The Honourable Chief Justice Sir Ian R. Winder

Appearances: Sophia Rolle-Kapousouzoglou with Valdere Murphy for the Plaintiff
Gregory Moss for the First, Second, Third and Fourth Defendants (up to
31 January 2025)

Hearing date(s): On the papers

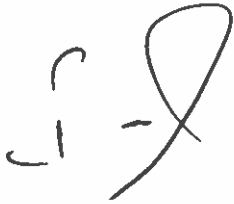
DECISION

WINDER, CJ

- [1.] On 27 April 2020 I gave judgment in this action and ordered, inter alia, on the disposition of thereof as follows:
- (1) [The First Defendant] CDR and [The Second Defendant] Mortimer do pay to [The Plaintiff] CFH all outstanding royalty fees owing by CDR up to 24 January 2013 inclusive of interest and late payments in accordance with the terms of the agreement up to the date of the commencement of this action. [The parties are invited to settle the calculation of the said sum failing which the Court will make the calculation.]
 - (2) All other claims against CDR and Mortimer are dismissed.
 - (3) CFH shall be entitled to interest on the said sum from the date of the filing of the Amended Statement of Claim to the date of judgment in the amount of 4% and to accrue interest at the statutory rate.
- [2.] The parties were unable to settle the calculation of the outstanding royalty fees inclusive of interest and late payments. Thereafter, CFH on 20 February 2023 took out a Summons seeking to have the court determine the sum due and owing. The Summons was supported by the Affidavit of Alden Gibson, CFO of CFH filed on 12 April 2023.
- [3.] Mortimer died on 8 June 2023 which further stalled the proceedings.
- [4.] On 31 January 2025, after making an order that I would permit Attorney Gregory Moss to cease to be the attorney for the Defendants, I ordered that I will hear and determine the application on the papers.
- [5.] Having given careful and anxious consideration to the application and the material advanced in the action (including those advanced on behalf of CDR and Mortimer), I am satisfied that the appropriate amounts due to CFH are as set out in paragraph 14 of the Affidavit of Alden Gibson, which I accept. These sums are as following:

- (1) As of 24 January 2013 the sum due to CFH was \$126,539.54.
- (2) Interest on the said sum of \$126,539.54 to be paid from 24 January 2013 to 27 April 2020 at the rate of 4% per annum.
- (3) Interest to accrue thereafter at the statutory rate.

Dated this 20th day of February 2025

A handwritten signature in black ink, consisting of a stylized 'I' followed by a large, looping flourish that ends in a small hook.

Sir Ian R. Winder

Chief Justice