

COMMONWEALTH OF THE BAHAMAS

IN THE SUPREME COURT

Common Law and Equity Side

2025/CLE/gen/FP/00021

BETWEEN

LISA MONIQUE POTTER

Claimant

AND

NATASHA BAIN

1st Defendant

AND

RENALDO DAVIS

2nd Defendant

BEFORE: Assistant Registrar Rosanne Sweeting

APPEARANCES: Ms. Constance McDonald, K.C., for the Claimant

Mrs. Cassietta McIntosh-Pelecanos for the 1st Defendant and 2nd Defendant

HEARING DATE: September 26th, 2025

RULING

This is an application to strike out the Claimant's Standard Claim Form.

Introduction

1. This is an application by the Defendants by way of a Notice of Application to Strike Out ("Notice of Application") filed March 6, 2025 and an Amended Notice of Application filed July 30, 2025 and supported by the Affidavit of Natasha Bain filed on July 30, 2025 seeking an Order to strike out the Standard Claim form or parts thereof; that all proceedings in this action be stayed until the determination of this application; and an extension of time to file and serve the Defence to the Claimant's Standard Claim form pursuant to Part 26.3(1)(b) and (c); Part 9.8 and Part 10.3(8) of the Supreme Court Civil Procedure Rules,

2022 ("CPR") and under the inherent jurisdiction of the Court. The grounds for the Defendants application are that:- (i) the Claimant's Standard Claim form does not disclose any reasonable ground for bringing the claim and (ii) the Claimant's Standard Claim form is frivolous, vexatious, scandalous and an abuse of the process of the Court.

2. The Defendants application is opposed by the Claimant.

Background

3. The Claimant filed a Standard Claim form on January 29, 2025 whereby she alleges the Defendants' sought to defame her in the presence of the staff at the Rand Memorial Hospital prior to her mother's passing on May 31, 2024 and at the funeral home in the presence of the Claimant's cousin after her mother's passing. She also alleges that the Defendants told the funeral home that she was not allowed to see her deceased mother and was not informed of the funeral date. She claims that as a result of the Defendants' defamatory actions and other actions the Claimant has suffered emotionally and her character and reputation has suffered. Additionally, she claims that she has had to incur legal fees and increased living accommodation costs as she waited for a hearing from the Supreme Court in order to see her mother's remains. Moreover, she asserts that as a result of the Defendants lies they deprived her of the opportunity to say goodbye to her mother and caused the staff members of the funeral home to deny seeing her mother until ordered by the Supreme Court. She seeks special damages in the sum of \$18,090.55; general damages for her pain and suffering; costs and other relief deemed just and equitable.
4. The Defendants filed their respective Acknowledgement of Service on February 20, 2025 whereby they both indicate an intention to defend the claim and deny any part of the claim.
5. The Defendants rely on their Skeleton Arguments filed on August 6, 2025 and Reply Submissions filed on September 12, 2025. The Claimant relies on her Skeleton Arguments filed on August 7, 2025 and Supplemental Skeleton Arguments filed on August 22, 2025.

Affidavit in Support of Striking Out Application

6. The Court has summarized the evidence of facts of the Defendants found in the Affidavit in support that are relevant to the issues in dispute.
7. The First Defendant, Natasha Bain, in her Affidavit in support states that the Affidavit is made in support of their application pursuant to Parts 26.3(1)(b) and (c); 9.8; 10.3(8); 8.7 and 8.24 of the CPR and/or the inherent jurisdiction of the Court. She sets out the relief sought in their application. Her evidence in part, is that:-
 - a. she is the younger sister of the Claimant and is forty-seven (47) years old;
 - b. that she is aware that the Claimant has not resided in the Bahamas for in excess of thirty (30) years;

- c. that she is aware that the Claimant is an attorney practicing in the United States of America and is not a member of the Bahamas Bar Association and does not practice in The Bahamas. She further states;
 - d. that she is familiar with Dr. Winston Forbes as he is a friend of their family, was in a romantic relationship with the Claimant in the past and believes that the Claimant and Dr. Forbes are still friends.
8. The Court has considered the Skeleton Arguments and Submissions lodged by the parties and now summarizes those deemed relevant for the purposes of determining the application before it.

Strike Out Application

Issues

9. The genesis of the Defendants application before the Court is that the Claimant's Standard Claim Form ought to be struck out in its entirety or parts thereof as the Standard Claim Form (i) fails to comply with the provisions of the CPR, in particular Parts 8.7, 8.24 and 61.3 as the Claimant has a duty to set out his/her case; (ii) that it does not disclose any reasonable ground for bringing the claim or defending the claim; (iii) that it is frivolous, vexatious, scandalous; (iv) an abuse of the Court process.

Claimant's Duty to Set Out Her Case

The Law

10. Part 8.7 of the CPR provides:-
Claimant's Duty to Set Out Case
 - (1) The claimant must include in the claim form or in the statement of claim a statement of all the relevant facts on which the claimant relies.
 - (2) The statement must be as short as practicable.
 - (3) The claim form or the statement of claim must identify any document known to the claimant which the claimant considers to be necessary to his or her case.
 - (4) If the claimant seeks recovery of any property, the claimant's estimate of the value of that property must be stated.
 - (5) The statement of claim must include a certificate of truth in accordance with rule 3.8.
11. Part 8.24 of the CPR states:-
Filing and Serving Written Evidence
 - (1) The claimant must file any written evidence on which he intends to rely when he files his claim form.
 - (2) The claimant's evidence must be served on the defendant with the claim form.

(3) A defendant who wishes to rely on written evidence must file it when he files his acknowledgement of service unless otherwise ordered by the Court on an application without notice.

(4) If a defendant files written evidence he must forthwith serve a copy of his evidence on the other parties.

(5) Any evidence filed at the time of filing his acknowledgement of service must be served when the acknowledgement of service is served on the claimant and any other party.

(6) The claimant may, within fourteen days of service of the defendant's evidence on him, file further written evidence in reply.

(7) If he does so, he must also, within the same time limit, serve a copy of his evidence on the other parties.

(8) The claimant may rely on the matters set out in his claim form as evidence under this rule if the claim form is verified by a statement of truth.

12. Part 61.3 of the CPR states:-

Obligation to give particulars.

(1) Where in an action for libel or slander the claimant alleges that the words or matters complained of were used in a defamatory sense other than their ordinary meaning, he must give particulars of the facts and matters on which he relies in support of such sense.

(2) Where in an action for libel or slander the defendant alleges that, in so far as the words complained of consist of statements of fact, they are true in substance and in fact, and in so far as they consist of expressions of opinion, they are fair comment on a matter of public interest, or pleads to the like effect, he must give particulars stating which of the words complained of he alleges are statements of fact and of the facts and matters he relies on in support of the allegation that the words are true.

(3) Where in an action for libel or slander the claimant alleges that the defendant maliciously published the words or matters complained of, he need not in his statement of claim give particulars of the facts on which he relies in support of the allegation of malice, but if the defendant pleads that any of those words or matters are fair comment on a matter of public interest or were published upon a privileged occasion and the claimant intends to allege that the defendant was actuated by express malice, he must serve a reply giving particulars of the facts and matters from which the malice is to be inferred.

(4) This rule shall apply in relation to a counterclaim for libel or slander as if the party making the counterclaim were the claimant and the party against whom it is made the defendant.

Submissions

13. Counsel for the Defendants, Mrs. McIntosh-Pelecanos submits in part that the Claimant's filing of the Standard Claim form in the manner it was done displays a lack of regard for the provisions of the CPR, in particular Parts 8.7, 8.24 and 61.3. Further, that the Claimant

failed to adequately set out her case and sets out the various paragraphs she submits are materially prejudicial and offensive. These paragraphs are paragraphs 3, 4, 5, 6, 7, 8, 9, and 10. Additionally, it is her submission that these paragraphs either include hearsay, are irrelevant to the entirety of the claim, contains a bare allegation and does not set out with specific particularity relating to the claim for special damages, emotional injury, or establishes the elements of defamation as required, and fails to provide any medical evidence to support the claim for injuries as required by the CPR.

14. Additionally, it is Mrs. McIntosh-Pelecanos submission that the description of the claim in the Standard Claim form is neither short nor clear; it conflates the alleged defamatory statements with unrelated complaints about family dynamics and access to remains, rendering it confusing and non-compliant. Moreover, the remedies for damages for defamation and emotional distress are vaguely pleaded without specifying how the statements caused the claimed losses.
15. Furthermore, Mrs. McIntosh-Pelecanos also submits in part that the Claimant failed to provide the necessary particulars in her Standard Claim form by identifying which Defendant made the alleged statement, the name of the cousin who purportedly witnessed the alleged statement being made and the name of the funeral home where the second "alleged" incident was made. In support of her submissions on this point she refers the Court to the Court of Appeal decision of **Bruce v. Odhans Press Ltd. [1936] 1 K.B. 697.**
16. Counsel for the Claimant, Ms. McDonald, KC submits in part and in response to the application that the Claimant has complied with Part 8.6 of the CPR and that the Standard Claim form clearly sets out defamation; it states the defamatory statement, alleges that the statement was false and made maliciously, that the meaning of the words were stated, that the words were not only made at the hospital but also at the funeral home and it states the effect the defamation had on the claimant. She further submits in part that the rules relating to hearsay applies to evidence and that pleadings are not evidence and as such those rules do not apply at this time. It is also her submission that there is no need at the time of filing the claim to prove specifics as contained at paragraphs 16 and 17 of the Standard Claim form as the evidence will be provided for in the form of Witness Statements, she is only required to state her claim.

Analysis and Discussion

17. The provisions of the CPR are clear. The burden/onus to set out his/her case rests on the Claimant. Moreover, Rule 8.7 of the CPR provides that the Claimant must include all the relevant facts on which he/she intends to rely on and that claim form must identify any document known to the Claimant he/she considers necessary to his/her case.
18. It is not disputed between the parties that the nature of the Claimant's allegations lie in a defamation suit, in particular slander. Therefore, in addition to the mandatory requirement found at Rule 8.7 of the CPR, Rule 61.3 of the CPR places a further obligation on the Claimant to provide particulars in an action for libel or slander.

19. The Claimant alleges at paragraph 3 of her Standard Claim Form that the Defendants “falsely and maliciously informed Doctor Winston Forbes in the presence of the staff at the Rand Memorial Hospital that her mother was dead to her and that she wanted nothing to do with her” and at paragraph 5 that those statements were made at the funeral home in the presence of the Claimant’s cousin. It is noted that the alleged statement(s) was not set out in paragraph 5.
20. The purpose of both provisions as the Court understands the Rules are so that the Defendant(s) knows the case that is to be met. Considering this, has the Claimant drafted her Standard Claim Form in such a manner that the Defendants in the instant case know the case to be met?
21. In the instant case the Claimant alleges defamatory words that were spoken by the Defendants in the presence of others. However, as submitted by Mrs. McIntosh-Pelecanos and the Court accepts, the Claimant has named two Defendants in this action to which she alleges made the defamatory remark but fails to identify which Defendant said the alleged defamatory remark and/or whether they both said the alleged defamatory remark in the presence of others together or in unison. Further, as submitted by Mrs. McIntosh-Pelecanos which the Court also accepts, the Claimant in her Standard Claim form does not provide any particulars regarding the date and time the alleged defamatory remarks were made nor were any of the persons identified as the staff at the Rand Memorial Hospital who the Claimant alleges heard the alleged defamatory remark . Moreover as submitted by Mrs. McIntosh-Pelecanos, the Claimant also fails to give particulars as to the name of the cousin, the name of the funeral home, the date and time on which the alleged defamatory remark was made in the cousin’s presence and whether the alleged defamatory remark was made at this time by one Defendant or both Defendants. The only person identified/particularized/named the alleged defamatory remark was made to and/or in front of was Doctor Winston Forbes.
22. The Court is of the view that in the absence of particulars such as the date and time the alleged defamatory remark was made, the identity of the cousin and the name of the funeral home whereby the alleged defamatory remark was said, the failure of identifying which Defendant made the alleged defamatory remark, the particulars as provided in the Standard Claim form by the Claimant as the Court sees it, makes it difficult for any Defendant to meet the case that is before either of them. However, is this a case that can be cured by an amendment and/or further particulars being provided?
23. Mrs. McIntosh-Pelecanos in her written submissions highlighted the case of **Bruce v Odhams Press Ltd (supra)** in support of her application. In that case, the pleaded case before the Court was grounded in defamation as the Plaintiff alleged libel from the publication in a newspaper although the Plaintiff was not named nor identified but alleged that the words in the newspaper referred to her. Although she was not named, the description was more than a general description and submitted that that description could only mean her. The Defendants requested particulars so they could respond but the Court stated that they ought to have made an application to strike out on the basis of no cause

of action as the statement of claim for the purposes of the action omitted material facts. Scott, LJ on page 294 stated:-

"The cardinal provision in rule 4 is that the statement of claim must state the material facts. The word " material " means necessary for the purpose of formulating a complete cause of action ; and if any one " material " statement is omitted, the statement of claim is bad ; it is " demurrable " in the old phraseology, and in the new is liable to be "struck out" under R.S.O. Ord. XXV, r. 4 (see Philipps v. Philipps (2)); or " a further and better statement of claim " may be ordered under rule 7.

The function of " particulars " under rule 6 is quite different. They are not to be used in order to fill material gaps in a demurrable statement of claim-gaps which ought to have been filled by appropriate statements of the various material facts which together constitute the plaintiff's cause of action. The use of particulars is intended to meet a further and quite separate requirement of pleading, imposed in fairness and justice to the defendant. Their function is to fill in the picture of the plaintiff 's cause of action with information sufficiently detailed to put the defendant on his guard as to the case he had to meet and to enable him to prepare for trial. Consequently in strictness particulars cannot cure a bad statement of claim."

24. The Court in that case allowed the appeal and granted the Defendant's order for further particulars. However, the order was only granted because the Defendant made the application for further particulars. The Court noted that had an application been made by the Defendant to strike out the action they would have been successful.
25. Therefore, in considering what the material facts that are to be included and particularized in a claim for defamation and in particular a claim for slander, the Court is of the view that the Claimant fails to meet the requirements as set out by the provisions of Rule 8.7 and 61.3 of the CPR.

Does Not Disclose Reasonable Ground for Bringing Claim/ Frivolous, Vexatious, Scandalous/Abuse of Court Process

26. Part 26.3 of the CPR states:-

In addition to any other power under these Rules, the Court may strike out a statement of case or part of a statement of case if it appears to the Court that —

- (a) there has been a failure to comply with a rule, practice direction, order or direction given by the Court in the proceedings;
- (b) the statement of case or the part to be struck out does not disclose any reasonable ground for bringing or defending a claim;
- (c) the statement of case or the part to be struck out is frivolous, vexatious, scandalous, an abuse of the process of the Court or is likely to obstruct the just disposal of the proceedings; or
- (d) the statement of case or the part to be struck out is prolix or does not comply with the requirements of Part 8 or 10.

Submissions

27. Mrs. McIntosh-Pelecanos submits in part that the Claimant's allegations of defamation against the Defendants fail to establish the elements of defamation as Dr. Forbes, the only individual named as having heard the alleged act of defamation is a known friend to the Claimant. Further she submits that the Claimant failed to set out any basis upon which damages can be proven and properly assessed and as such would have no reasonable chance at success at trial. It is her submission that for the Claimant to succeed for her claim of defamation of character she must satisfy and prove on a balance of probabilities that a false statement of fact was made; the statement was shared with a third party; the statement caused harm to the Claimant's reputation leading to public scorn, hatred or ridicule; the Defendants who defamed the Claimant was either negligent or acted with actual malice in determining whether the statement was true and the Claimant must prove that she was somehow damaged by the false statement made by the Defendant. Mrs. McIntosh-Pelecanos submits that in the instant case the Claimant has not established a defamatory statement made by the Defendant as it lacks particularity; that the statement lack "specificity" as it is unclear as to whether the alleged remark referred to the Claimant; and that the Claimant did not put forward any evidence to support the claim that she suffered any reputational damage. More so, that the Claimant lives in the United States of America for the past thirty years and as such she cannot show how her reputation has been negatively affected by the alleged incident.
28. It is also her submission that apart from the pleaded allegation of the words stated ("Her mother was dead to her and that she wanted nothing to do with her") do not bear the innuendo pleaded (selfish and uncaring). She submits that those words as pleaded reflect a factual family estrangement, not a malicious falsehood and that no facts are pleaded to support the innuendo, as required for defamation claims. In response to the Claimant's assertion at paragraph three of her Skeleton Arguments that the words were "falsely and maliciously informed" is conclusory and unsupported and therefore fails to disclose a reasonable cause of action.
29. In support of her submissions, Mrs. McIntosh-Pelecanos relies on the following cases, **Drummond-Jackson v British Medical Association [1970] 1 All ER 1094, CA, per Lord Pearson at p. 1101-f; B. E. Holdings Limited v Piao Lianji {2014} CLE/gen/01472 at paras 7-11; Javan Hollingsworth v. Fredicia Christina Harvey Hollingsworth [2024] 1 BHS J. No. 114; Maria Daxon v Donel! Brown and others, 2018/PUB/Con/00022; Skuse v Granada Television Limited (1993) EWCA Civ 34.**
30. Ms. McDonald, KC submits in part that the claim form is not frivolous, vexatious and an abuse of the process of the Court as the Claimant has stated the defamatory statement, alleges that it was false and made maliciously, she gave the meaning of the words and where they were made, the effect the defamation had on the Claimant and that as a result of the Defendants defamatory and other actions the Claimant suffered emotionally and her character and reputation has suffered. She relies on the case of **American Cyanamid**

Co v Ethicon Ltd {1973} 1 All E R page 504 and submits that the principle stated by Lord Diplock is applicable and as such there is a serious question to be tried. Additionally, relying on the case of **Shamon Rodgers v Bahamasair Holdings Limited 2020/CLE/gen/00580** she submits that the test to be applied is whether it is plain and obvious that the statement of claim discloses no reasonable claim.

31. It is also her submission on the issue of damages that the Defendants are liable for the Claimant's claim for damages as defamation is a tort and the Defendants had a duty to their sister not to cause harm or injury to her and as a result of their actions they breached that duty. She also submits that the statement made the funeral home refused the Claimant to see her mother and as a result was only able to see her mother after obtaining an Order of the Court.

Analysis and Discussion

32. On an application to strike out made pursuant to Part 26.3(1)(b) of the CPR the Court is to make a decision solely on the parties pleaded case before it and that for the purposes of such an exercise consider that "**all facts** pleaded in the statement of case are assumed to be true" and no additional evidence is adduced. [See The Caribbean Civil Court Practice 2024, 3rd Edition at note 23.6A, page 310] (**Emphasis mine**)
33. The principles for determining what a reasonable cause of action as established in the case law submitted by Counsel for the Defendants are helpful. Lord Pearson at para 1101-f in **Drummond-Jackson v British Medical Association (supra)** provides "...a cause of action with some chance of success, when...only the allegations in the pleadings are considered. If when those allegations are examined it is found that the alleged cause of action is certain to fail, the statement of claim should be struck out." Therefore, a reasonable cause of action means a cause of action with some chance of success when only the allegations in the pleadings are considered. Moreover as long as the statement of claim or particulars disclose some cause of action or raise some question fit to be decided by a Judge or jury, the mere fact that the case is weak and not likely to succeed is no ground for striking it out.
34. If the Court accepts that there is some question fit to be tried by a Judge found in the Standard Claim form what would that question be?
35. The cause of action as alleged by the Claimant is defamation.
36. According to Halsbury's Laws of England, Volume 32, (2023) at paragraph 501, the learned authors provide:-

"In English law, speaking generally, every person is entitled to his good name and to the esteem in which he is held by others, and has a right to claim that his reputation shall not be disparaged by defamatory statements made about him to a third person or persons without lawful justification or excuse.

If a defamatory statement is made in writing or printing or some other permanent form, the tort of libel is committed and the law presumes damage. If the defamation is oral, or in some other transient form, it constitutes the tort of slander which is not actionable at

common law without proof of actual damage, except where the statement is one of a particular character"

Gatley on Libel and Slander, 8th Edition, page 73 at para 143. Cases actionable per se "*Special character (i) where the words impute a crime for which the plaintiff can be made to suffer physically by way of punishment; (ii) where the words impute to the plaintiff a contagious or infectious disease; (iii) where the words are calculated to disparage the plaintiff in any office, profession, calling, trade or business held or carried on by him at the time of publication; (iv) by the Slander of Women Act 1891 where the words impute adultery or unchastity to a woman or girl.*"

37. Mrs. McIntosh-Pelecanos referred the Court to the cases of **Maria Daxon v Donell Brown and others 2018/PUB/con/00022**, Klein, J at para 49 and **Javan Hollingsworth v Fredicia Christina Harvey Hollingsworth [2024] 1 BHS J. No. 144** Delancy, J at para 19 where both Justices set out the elements that a Claimant has to establish in order to succeed in a defamation action; which are (i) that the words must be defamatory; (ii) they refer to him; and (iii) they were published to one other person other than himself.
38. The Claimant alleges at paragraph 3 of the Standard Claim form that the alleged defamatory remark was "Her mother was dead to her and that she wanted nothing to do with her". She alleges that this remark was said in the presence of the staff at the Rand Memorial Hospital and Doctor Winston Forbes. The Claimant at paragraph 5 also alleges that this remark was also said at the funeral home in the presence of the Claimant's cousin.
39. According to Halsbury's Laws on England, Volume 32(2023) "*the essence of a defamatory statement is its tendency to injure the reputation of another person...Generally speaking, a statement is defamatory of the person if it tends to lower him in the estimation of right-thinking members of society generally or if it exposes him to public hatred, contempt or ridicule or if it causes him to be shunned or avoided. A person's reputation is not confined to his general character and standing but extends to his trade, business or profession, and words will be defamatory if they impute lack of qualification, knowledge, skill, capacity, judgment or efficiency in the conduct of his trade, business or professional activity.*"
40. The Claimant at paragraph 4 of the Standard Claim form pleads that the words in their ordinary meaning meant and were understood to mean that she was selfish and uncaring; she did not love her mother; she wanted nothing to do with her mother.
41. The question for the Court to answer at this juncture, by accepting that what is pleaded as a statement of fact, whether the Claimant has established that the alleged remark/words are defamatory and whether the utterance of those words have lowered her in the estimation of right thinking persons. The Claimant in her Standard Claim form at paragraph 8 states that her character and reputation has suffered. However, she failed to set out/particularize how the alleged "publication" of the remark caused or was likely to have caused serious harm to her reputation. This is a key ingredient that a Claimant must include to establish his/her claim in a defamation suit and in particular, slander.

42. Considering the above, the Court is of the view that in examining only the bare allegations that are contained in the Standard Claim form, this claim is bound to fail.
43. However, if I am incorrect in my analysis and that the remark is deemed defamatory, the Court still finds that the commencement of this action amounts to an abuse of the Court process for the reasons listed below.

Abuse of the Court's Process, Frivolous and Vexatious

44. Lindley L.J. in **Attorney General of Duchy of Lancaster v L. & N.W. Ry [1892] 3 Ch. 274 at 277** stated that the words "frivolous or vexatious" are meant for cases which are obviously frivolous or vexatious, or obviously unsustainable (**18/19/16, the Commentary of the Supreme Court Practice, 1999 at page 350**). Moreover, the pleading must be so "clearly frivolous that to put it forward would be an abuse of the process of the Court." **Per Jeune P. in Young v Holloway [1895] P. 87 at 90 (18/19/16, the Commentary of the Supreme Court Practice, 1999 at page 350)**.
45. Mrs. McIntosh-Pelecanos has submitted that the instant action before the Court is frivolous and vexatious and as such is an abuse of process. It is her submission that the Claimant attempts to join another claim to this action and has failed to properly plead the second claim.
46. Ms. McDonald, KC has submitted in part in her written submissions that the matter is not frivolous and vexatious as she was able to obtain an Order from the Court to see her mother's body. Further, she submits in part that the Defendants have acted in a presumptuous and arbitrary manner and treated the Claimant in a malicious, vindictive and defamatory manner.
47. During the application to strike out the Standard Claim form, the Court asked both Counsel for the outcome of the previous action as reference was made throughout the Standard Claim form and the written submissions of Counsel for the Claimant of an Order being granted by the Court. Both Counsel advised that the Court did not make an Order but instead the Court allowed the parties to come to an agreement regarding the date and time on which the Claimant would have access to view her mother at the funeral home without the Defendants being present.
48. In reviewing the Standard Claim form the Court takes note of the below pleaded paragraphs and sets them out in full below:-
"8. As a result of the Defendant's defamatory actions and other actions the Claimant has suffered emotionally, and her character and reputation has suffered. In addition, she has had to incur legal fees and increased living accommodation costs as she had to wait for a hearing from the Supreme Court in order to see her mother's remains.

PARTICULARS OF SPECIAL DAMAGES

1. Spirit Airlines	\$ 535.09
2. Uber	\$ 86.60
3. American Airlines	\$ 210.80
4. Lodging	\$ 895.00
5. Bahamasair	\$ 161.05
6. United Airlines	\$ 569.70
7. Food/Clothing/Toiletries and supplies	\$ 632.31
8. Legal Fees	\$ 3,000.00
9. Lost Income	<u>\$12,000.00</u>
TOTAL	\$18,090.55

9. In addition, the Claimant is still suffering emotionally as she was unable to say goodbye to her mother and tell her she loved her. Further her mother loved all her children, and she knows her mother would've wanted to see her before she died.

10. The Defendants as a result of their lies they deprived the Claimant of the opportunity to say goodbye to her mother, in addition they caused the members of the funeral home to deny seeing her mother until Ordered by the Supreme Court."

49. While the instant case is grounded in slander, a libel claim may be struck out on the ground of abuse of process where its purpose is not to vindicate the claimant's reputation but to cause expense, harassment or commercial prejudice beyond that normally encountered in properly conducted litigation. Additionally, where proceedings were issued in an attempt to re-litigate matters contained in earlier proceedings, the later proceedings should be struck out as an abuse. **[See Note 23.31, The Caribbean Civil Court Practice, 3rd Edition, p. 328]**

50. The Court is of the view after reviewing and considering the above highlighted paragraphs of the Standard Claim form, the submissions of Counsel for the Claimant, and Counsel's advisement as to the outcome of the previous action that the commencement of this claim appears to be an attempt to re-litigate the previous application that was before the Court. Additionally, as submitted by Counsel for the Defendants and is accepted by the Court, the special damages as pleaded in the Standard Claim form the Court finds does not flow or are a result of the outcome of the alleged defamatory remark being spoken. The Court on reviewing the pleaded Standard Claim form cannot speculate as to which action these special damages relate to and as such cannot make a finding that they ought to be part and parcel to this instant action.

Conclusion

51. In light of the paragraphs above, the Court finds that the Claimant's pleadings as found in the Standard Claim form does not disclose a reasonable cause of action or raise a question fit to be tried and that to permit this action to proceed will amount to an abuse of the Court process. Further that the Claimant has failed to comply with the provisions of the CPR requiring her to properly set out her case in her Standard Claim Form.
52. The Standard Claim form is hereby struck out in its entirety.
53. As the Court has struck out the Claimant's Standard Claim form, the other items sought in the alternative by the Defendants in their Amended Notice of Application such as a stay of the proceedings until the determination of the application and/or an extension to file their Defence falls away.
54. On the issue of costs, the general principle is that costs usually follow the event. The Court is of the view that there is no need to depart from that general principle. Therefore, the Claimant is hereby ordered to pay the costs of this application to the Defendants to be assessed if not agreed.

Dated this 26th day of November, 2025

Rosanne Sweeting

Rosanne O. I. Sweeting
Assistant Registrar