

THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE

SAINT VINCENT AND THE GRENADINES

CLAIM NO. 86 OF 2004

BETWEEN:

FAELLESJE, A PRIVATE DANISH FOUNDATION

Claimant

and

OTHNEIL SYLVESTER

Defendant

Appearances:

**Mr. Karl Hudson Phillips Q.C., Mr. Stanley Marcus S.C., Mr. Bertram Commissiong
Q.C. and Ms. Mira Commissiong for Claimants**

**Sir Henry Forde Q.C., Mr. Russel Martineau S.C. and Mr. E. Robertson for the
Defendant**

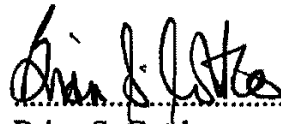
2004: 29th November
2005: 16th February

DECISION

I have had the assistance of counsel on both sides in considering this application by the defendant to strike out the statement of claim. I have carefully considered the arguments and reviewed the authorities cited.

At the end of that exercise I have concluded that I should refuse the defendant's application. I have given anxious thought as to whether I should supply written reasons for my decision. I have decided that as this matter is to proceed to trial that it is not

desirable for me to express any reasons as to why I have come to my decision. The case of *Re Baltic Real Estate Ltd (No. 1)* 1993 BCLC 498 suggests that in circumstances such as the instant that this course of action is better.

A handwritten signature in black ink, appearing to read "Brian S. Cottle", written over a horizontal dotted line.

Brian S. Cottle
MASTER