

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

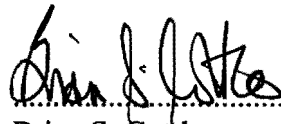
2004: 29th November
2005: 16th February

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