



THE EASTERN CARIBBEAN SUPREME COURT

IN THE HIGH COURT OF JUSTICE

MONTserrat

CLAIM NO.: MNIHCV2012/0028

BETWEEN:

JON MILLER

STEVE PRICE

ANDY BURK

ED BURGER

HANK HENRY

ERIC TOMME

GREG MEHRING

GERRY BLOMQUIST

TROY DEPPERMAN

GEORGE F. WALKER QC

Claimants/Respondents

AND

THE ATTORNEY GENERAL

1<sup>st</sup> Defendant/Applicant

PLANNING & DEVELOPMENT AUTHORITY

2<sup>nd</sup> Defendant/Applicant

EASTON FARRELL-TAYLOR - THE MINISTER RESPONSIBLE FOR PLANNING

3<sup>rd</sup> Defendant/Applicant

**ON AN APPLICATION BY THE DEFENDANTS/APPLICANTS**

**Appearances:**

Ms. Karen Reid, Ms. Alison Skerritt and Ms. Jamie Greenaway for the Defendants/Applicants  
Mr. John Fuller and Ms. Marcelle Watts for the Claimants/Respondents

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2012: October 31  
: November 28

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**RULING**

- [1] **THOMAS W.R. ASTAPHAN J.:** This is an Application filed on October 4<sup>th</sup> 2012 by the Applicants in which they seek to Strike Out the Claimants' Claim "...pursuant to Rule 26.3 (1) (a) of The Civil Procedure Rules 2000, on the grounds that the Claimants have failed to comply with Rule 8.1(1) c) and Rule 56.7(3)... and Rule 56.7(4) of the Civil Procedure Rules."
- [2] The Grounds set out in the Application are that the Claimants/Respondents "... failed to file with their Claim Form evidence on Affidavit in support of the said Claim..." as mandated by Rule 8.1(1)(c) and Rule 56.7 (3) of the Civil Procedure Rules 2000, and that Claimants have failed to state the provisions of the Constitution which they allege have been, is being, or is likely to be contravened, contrary to Rule 56.7 (4) (c) thereof. Hereafter I shall refer to the Rules as "CPR".
- [3] The Application is supported by an Affidavit filed on the same day and sworn to by Claudina Ryan, Senior Clerical Officer in the Chambers of the 1<sup>st</sup> Defendant/Applicant.
- [4] An Affidavit in Reply was filed on the 17<sup>th</sup> October 2012, sworn to by Roselin Browne, Senior Clerk in the Chambers of John E. Fuller. Exhibited to that Affidavit is a chain of emails bearing the date "Aug 21" which I will assume means "August 21<sup>st</sup> 2012".

