



Prepared for filing by:

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BARBADOS

COA

On APPEAL FROM CLAIM NO. CIV0284/2023

**SUPREME COURT OF BARBADOS
IN THE COURT OF APPEAL**

BETWEEN:

**LAMBCHOP PROPERTIES LLC
RMJE PROPERTIES LLC**

**FIRST CLAIMANT / INTENDED RESPONDENT
SECOND CLAIMANT/ INTENDED RESPONDENT**

AND

**APES HILL CLUB HOMEOWNERS
ASSOCIATION
CHRISTOPHER ANTHONY AUDAIN
SUNIL CHATRANI
RODDY JAMES CARR
APES HILL (BARBADOS) INC
GARDEN WALL VILLA ASSOCIATION**

**FIRST DEFENDANT/ INTENDED APPELLANT
SECOND DEFENDANT/ INTENDED APPELLANT
THIRD DEFENDANT/ INTENDED APPELLANT
FOURTH DEFENDANT/ INTENDED APPELLANT
FIFTH DEFENDANT
SIXTH DEFENDANT**

NOTICE OF APPLICATION FOR LEAVE TO APPEAL

The First, Second, Third and Fourth Defendants/Intended Appellants apply to this Honourable Court Pursuant to Part 62 of the Supreme Court (Civil Procedure) Rules, 2008 and/or the inherent jurisdiction of this Honourable Court for the following Orders:

1. That leave be granted to the Intended Appellants to appeal against the decision of The Honourable Justice Bryan Weekes, Judge of the High Court delivered orally on the 27th day of May 2026 refusing the Intended Appellants' Application for the recusal of the Learned Trial Judge from hearing and determining Claim No. CIV0284/2023 and reduced to writing by a decision dated the 19th day of June 2026 ;
2. That time be extended, if need be, for making the said Application;
3. That a Stay of Proceedings be granted in respect of the said claim pending the hearing and determination of this Appeal;

4. That there be no Order as to costs; and/or
5. Such further and other orders as this Honourable Court deems fit.

A Draft of the Orders being sought and Notice of Appeal are hereby attached.

An Affidavit in Support accompanies this Application

The Grounds of the Application are as follows:

1. The Intended Appellants have a real prospect of success as the decision of the Learned Trial Judge to refuse the recusal application is wrong in law and fact for the following reasons:
 - a. The Learned Trial Judge misdirected himself and/or erred in failing to recuse himself in circumstances where an objective and fair-minded lay observer, fully informed of the facts and having considered them individually and/or collectively, would conclude that there was a real possibility of bias, as set out in the Intended Appellants' Amended Notice of Application for Recusal dated 29th day of April 2026.
 - b. The Learned Trial Judge misdirected himself and/or erred in law in that he refused to follow the guidance in Ward v Walsh [2025] CCJ 14 and directed the Intended Appellants to make a formal application for recusal rather than hearing the informal application which the Intended Appellants sought to make on the 6th day of March, 2026.
 - c. On the 27th day of May 2026 the Learned Trial Judge delivered an oral decision which did not provide any reasons for the same.
 - d. On the said 27th day of May 2026 the Learned Trial Judge misdirected himself and/or erred in law in that without due consideration and without providing any reasons refused an Application by the Intended Appellants to grant leave to appeal against the said oral decision for which no reasons were provided.
 - e. On the 19th day of June, 2026 the Learned Trial Judge delivered his written decision and thereby deprived the Intended Appellants the opportunity of filing an Application for Leave to Appeal within a timely manner.
 - f. In the said written decision delivered on the 19th day of June, 2026 the Learned Trial Judge erroneously made an Order dismissing the Application of the First, Second, Third and Fifth Defendants in circumstances where the Fifth Defendant made no Application for recusal of the Learned Trial Judge.
 - g. The Learned Trial Judge misdirected himself and/or erred in law in that he permitted counsel for the Claimants in the said matter to make submissions in respect of the Amended Recusal application and considered the said submissions in his decision in circumstances where (a) the task of the fair-minded observer, fully informed of the facts, is limited to determining whether the facts disclose that there is a real possibility the Learned Trial Judge was bias and (b) at the conclusion

of the address by Counsel for the Intended Appellants to the Learned Trial Judge on the issue of apparent bias, the Learned Trial Judge stated words to the effect that his gut feelings tells him that he should recuse himself and (c) that Mr. Patterson, KC Attorney-at-Law for the Claimants made submissions in support of the continued conduct of the matter by the Learned Trial Judge.

- h. The Learned Trial Judge misdirected himself and/or erred in law in considering the submissions of Counsel for the Claimants as a substitute for or an aid in determining whether the fair observer, fully informed of the facts, would conclude that there is a real possibility that the Learned Trial Judge was biased.
2. The Intended Appellants are adversely affected by the decision of the Learned Trial Judge in the following manner:
 - a. The Learned Trial Judge continues to preside over a trial where his impartiality is objectively in question, thereby undermining the fairness of the proceedings and the public's confidence in the administration of justice.
 - b. The Intended Appellants are denied the right to a fair trial before an impartial tribunal which is a fundamental principle of natural justice.
 - c. The erroneous refusal of the Amended recusal application exposes the Intended Appellants to the risk of a judgment tainted by apparent bias.
3. This matter raises questions of significant public interest concerning the proper administration of justice, the standards of judicial conduct, and the impartiality of the judiciary.

Dated this 29th day of June, 2026.

[Signature]

Roger C. Forde, K.C.

Attorney-at-Law for the First, Second, Third and Fourth Defendants/Intended Appellants

NOTICE:

This application will be heard by [] [] on the day of
at a.m/p.m.

If you do not attend this hearing an order may be made in your absence

OR

The [Judge in Chambers] [Master] will deal with this application by:

NB: This notice of application must be served as quickly as possible on the respondent to the application.

The Registry is located at the Law Courts, Bridgetown, telephone number (246) 426-3461, FAX (246) 426-2405. The Office is open to the public between 8:15 a.m. and 3:30 p.m. Mondays to Fridays except on public holidays.

Prepared for filing by:

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FOURTH DEFENDANT/ INTENDED APPELLANT
FIFTH DEFENDANT
SIXTH DEFENDANT**

DRAFT ORDER

BEFORE the Honourable _____, Judge of the Court of Appeal

IN CHAMBERS: on the _____ day of _____, 2026

UPON READING the Application and Affidavit in Support thereof filed herein by the First Second Third and Fourth Defendants/ Intended Appellants filed herein on the _____ day of _____ 2026

AND UPON HEARING Mr. Roger Forde K.C. Attorney-at-Law for the First, Second, Third and Fourth Defendants/Intended Appellants

AND UPON HEARING Mr. Garth Patterson K.C. Attorney-at-Law for the First and Second Claimants/ Respondents.

IT IS HEREBY ORDERED THAT:-

1. Leave be granted to the Intended Appellants to appeal against the decision of The Honourable Justice Bryan Weekes, Judge of the High Court dated the 27th day of May 2026 refusing the Intended Appellants' Application for the recusal of the Learned Trial Judge from hearing and determining Claim No. CIV0284/2023;
2. That a Stay of Proceedings be granted in respect of the said claim pending the hearing and determination of this Appeal; and
3. No Order as to Costs

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REGISTRAR

BARBADOS
COA

On APPEAL FROM CLAIM NO. CIV0284/2023

SUPREME COURT OF BARBADOS
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BETWEEN:

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SIXTH DEFENDANT

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DRAFT ORDER

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Roger C. Forde, K.C., Attorney-at-Law for the
First, Second, Third and Fourth Defendants/Intended Appellants

Prepared for filing by:

Roger C Forde, KC.
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Carrington & Sealy Complex
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DRAFT NOTICE OF APPEAL

TAKE NOTICE that the Appellants (being the First, Second Third and Fourth Defendants in the Court below) hereby appeals to the Court of Appeal against the decision of the Honourable Mr. Justice Bryan Weekes, Judge of the High Court ('the Learned Trial Judge') delivered orally on the 27th day of May 2026.

1. Details of Order appealed from:

- i. The amended application by the First, Second, Third and Fifth Defendants for the recusal of the Trial Judge is dismissed.

- ii. The matter shall remain before this Court for further case management and continuation of the trial
- iii. The First, Second, Third and Fifth Defendants shall pay the Claimants' cost of the amended recusal application, to be assessed if not agreed
- iv. Liberty to apply

2. Details of findings of facts

- i. That an independent observer would not conclude that there was a real possibility that the Learned Trial Judge was biased
- ii. That the asserted connection between the parties and C.O. Williams is "indirect and attenuated"
- iii. That the Applicant/ Defendants did not place before the Court a full transcript of proceedings, a complete agreed note or the audio record of the relevant hearings.
- iv. That Court number 7 is a small Court room and the Court's responsibility in balancing the interest of all parties required the Court to determine that Mr. Lamb should sit next to the Learned Trial Judge
- v. That the acknowledgment of Mr. Lamb's experience in development matters also does not amount to an endorsement of evidence of the Claimant's case
- vi. That the first formal application was brought only after the hearing and outcome of March 04, 2026

3. Details of holdings of law

- i. That the Learned Trial Judge erred in finding that the fair-minded observer would distinguish between courtesy and partiality in circumstances where the test is not distinguishing between courtesy and partiality but whether the fair-minded observer would come to the conclusion that the alleged acts of courtesy were such that there was a **real possibility** of bias
- ii. That the Learned Trial Judge erred in finding that the acknowledgment of Mr. Lamb's experience in development matters also does not amount to an endorsement of evidence of the Claimant's case (in that the issue is whether the acknowledgement by the Learned Trial Judge of Mr. Lamb's experience in development matters was such that the fair-minded observer would come to the conclusion that there is a **real possibility** of bias.)

4. Grounds of Appeal:

Errors of Law

- a. The Learned Trial Judge misdirected himself and/or erred in failing to recuse himself in circumstances where an objective and fair-minded lay observer, fully informed of the facts and having considered them individually and/or collectively, would conclude that there was a real possibility of bias, as set out in the Intended Appellants' Amended Notice of Application for Recusal dated 29th day of April 2026.
- b. The Learned Trial Judge misdirected himself and/or erred in law in that he refused to follow the guidance in Ward v Walsh [2025] CCJ 14 and directed the Intended Appellants to make a formal application for recusal rather than hearing the informal application which the Intended Appellants sought to make on the 6th day of March 2026.
- c. On the 27th day of May 2026 the Learned Trial Judge delivered an oral decision which did not provide any reasons for the same.
- d. On the said 27th day of May 2026 the Learned Trial Judge misdirected himself and/or erred in law in that without due consideration and without providing any reasons refused an Application by the Intended Appellants to grant leave to appeal against the said oral decision for which no reasons were provided.
- e. On the 19th day of June 2026 the Learned Trial Judge delivered his written decision and thereby deprived the Intended Appellants the opportunity of filing an Application for Leave to Appeal within a timely manner.
- f. In the said written decision delivered on the 19th day of June 2026 the Learned Trial Judge erroneously made an Order dismissing the Application of the First, Second, Third and Fifth Defendants in circumstances where the Fifth Defendant made no Application for recusal of the Learned Trial Judge.
- g. The Learned Trial Judge misdirected himself and/or erred in law in that he permitted counsel for the Claimants in the said matter to make submissions in respect of the Amended Recusal application and considered the said submissions in his decision in circumstances where (a) the task of the fair-minded observer, fully informed of the facts, is limited to determining whether the facts disclose that there is a real possibility the Learned Trial Judge was biased and (b) at the conclusion of the address by Counsel for the Intended Appellants to the Learned Trial Judge on the issue of apparent bias, the Learned Trial Judge stated words to the effect that his gut feelings tell him that he should recuse himself and (c) that Mr. Patterson, KC Attorney-at-Law for the Claimants made submissions in support of the continued conduct of the matter by the Learned Trial Judge.
- h. The Learned Trial Judge misdirected himself and/or erred in law in considering the submissions of Counsel for the Claimants as a substitute for or an aid in determining whether the fair observer, fully informed of the facts, would conclude that there is a real possibility that the Learned Trial Judge was biased.

5. The Orders sought are:

- a. An Order quashing the entire decision of the Honourable Mr. Justice Bryan Weekes, Judge of the High Court delivered orally on the 27th day of May 2026;
- b. An Order that the Honourable Justice Bryan Weekes, Judge of the High Court do recuse himself from hearing and determining the Claim contained in the Fixed Date Claim Form filed herein;
- c. An Order that the matter be scheduled to be set down for hearing before another Judge; and
- d. The Claimants/Respondents do pay the Appellants costs of the Appeal to be agreed or assessed.

6. Details of the other parties to the proceedings in the court below:

Lambchop Properties LLC
RMJE Properties LLC
c/o Lex Caribbean
Attorneys-at-Law
The Goddard Building
Haggatt Hall
St. Michael

Dated this 29th day of June 2026

Signed:

Roger C. Forde, KC
Attorney-at-Law for the First, Second, Third and Fourth Defendants/Appellants

Whose address for service is:

Roger C. Forde, KC
Ground Floor
Carrington & Sealy Complex
Belmont House
Belmont Road
St. Michael

The Registry is located at the Law Courts, Supreme Court Complex, Whitepark Road, Bridgetown in the parish of St. Michael in this Island. Telephone number is 246 535-9500, facsimile number 246 462 2405. The Registry is open to the public between the hours of 8:15a.m and 3:30p.m. Mondays to Fridays except on Public Holidays.

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DRAFT NOTICE OF APPEAL

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Roger C. Forde, K.C., Attorney-at-Law for the
First, Second, Third and Fourth Defendants/Intended Appellant

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APPLICATION FOR LEAVE TO APPEAL

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Roger C. Forde, K.C., Attorney-at-Law for the
First, Second, Third and Fourth Defendants/Intended Appellants