

Filing Attorney: BM+Co.
Attorneys-at-Law
Morgan House,
Haymans,
St. Peter

Telephone #: 626-0111

Email Address: rmartinez@bmcoattorneys.com



BARBADOS

COURT OF APPEAL

ON APPEAL FROM CLAIM NO. CIV0284/2023

IN THE 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 INC.
CHRISTOPHER ANTHONY AUDAIN
SUNIL CHATRANI
RODDY JAMES CARR
APES HILL (BARBADOS) INC.
GARDEN WALL VILLA ASSOCIATION INC.**

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

NOTICE OF APPLICATION FOR LEAVE TO APPEAL

The Fifth Defendant/Intended Appellant applies 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 Fifth Defendant/Intended Appellant to appeal against the decision of the Honourable Justice Bryan L. Weekes, Judge of the High Court delivered orally on the 27th day of May, 2026 and in writing on the 19th day of June, 2026 that the Fifth Defendant/Intended Appellant shall pay the costs of the First and Second Claimants/Intended Respondents;

2. That the time be extended, if needed for the making of 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/or other orders as this Honourable Court shall deem fit.

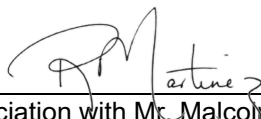
A draft of the orders being sought and Notice of Appeal are hereto attached.

An Affidavit in Support accompanies this Application.

The grounds of the application are as follows:

1. The Fifth Defendant/Intended Appellant has a real prospect of success as the order of the Learned Trial Judge to award costs as against the Fifth Defendant/Intended Appellant is wrong in law and fact for the following reasons:
 - a. In the written decision of the Learned Trial Judge delivered on the 19th day of June, 2026, the Learned Trial Judge made an order dismissing the Application of the First, Second, Third and Fifth Defendants in circumstances where the Fifth Defendant made no Application for the recusal of the Learned Trial Judge; and
 - b. In the written decision of the Learned Trial Judge delivered on the 19th day of June, 2026, the Learned Trial Judge made an order for costs as against the Fifth Defendant in circumstances where the Fifth Defendant made no Application for the recusal of the Learned Trial Judge.
2. The Fifth Defendant/Intended Appellant is adversely affected by the decision of the Learned Trial Judge as the Fifth Defendant/Intended Appellant did not make an application for the recusal of the Learned Trial Judge and has been penalised in costs by the Learned Trial Judge for an application which it did not make nor to which it was a party.
3. This matter raises questions of significant public interest concerning the proper administration of justice.

Dated this 9th day of July, 2026



BM+Co. in association with Mr. Malcolm W.E. Deane
Attorneys-at-Law for the Fifth Defendant/Intended Appellant

NOTICE

This Application will be heard by [] on the day of , 2026 at
am/pm, as the time and date for the hearing of this Application. You or your representative must attend that

hearing, unless the Court dispenses with your attendance, or order may be made against you 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 Supreme Court Complex, Whitepark Road, St. Michael, Telephone number 246-426-3461, FAX number (246)426-2405. The office is open to the public between 8:15 a.m. and 3:30 p.m. Monday to Fridays except on public holidays.

Filing Attorney: BM+Co.
Attorneys-at-Law
Morgan House,
Haymans,
St. Peter

Telephone #: 626-0111

Email Address: rmartinez@bmcoattorneys.com



BARBADOS

COURT OF APPEAL

ON APPEAL FROM CLAIM NO. CIV0284/2023

IN THE 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 INC.
CHRISTOPHER ANTHONY AUDAIN
SUNIL CHATRANI
RODDY JAMES CARR
APES HILL (BARBADOS) INC.
GARDEN WALL VILLA ASSOCIATION INC.**

**FIRST DEFENDANT
SECOND DEFENDANT
THIRD DEFENDANT
FOURTH DEFENDANT
FIFTH DEFENDANT/INTENDED APPELLANT
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 herewith by the Fifth Defendant/Intended Appellant on the 10th day of July, 2026;

AND UPON HEARING Mr. Malcolm W.E. Deane in association with Ms. Ruan C. Martinez, Attorneys-at-Law for the Fifth Defendant/Intended Appellant;

AND UPON HEARING Mr. Garth Patterson, KC Attorney-at-Law for the First and Second Claimants/Intended Respondents.

IT IS HEREBY ORDERED THAT:

1. Leave be granted to the Fifth Defendant/Intended Appellant to appeal against the decision of the Honourable Justice Bryan L. Weekes, Judge of the High Court dated the 19th day of June, 2026 ordering the Fifth Defendant/Intended Appellant to pay the costs of the First and Second Claimants/Intended Respondents;
2. A Stay of Proceedings be granted in respect of the said claim pending the hearing and determination of this Appeal; and
3. No order be made as to costs.

Dated this day of , 2026.

By the Court

Registrar

BARBADOS

COURT OF APPEAL

ON APPEAL FROM CLAIM NO. CIV0284/2023

IN THE SUPREME COURT OF JUDICATURE

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

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

DRAFT ORDER

BM + Co.
ATTORNEYS-AT-LAW

Filing Attorney: BM+Co.
Attorneys-at-Law
Morgan House,
Haymans,
St. Peter

Telephone #: 626-0111

Email Address: rmartinez@bmcoattorneys.com



BARBADOS

COURT OF APPEAL

ON APPEAL FROM CLAIM NO. CIV0284/2023

IN THE SUPREME COURT OF BARBADOS

IN THE COURT OF APPEAL

BETWEEN

**LAMBCHOP PROPERTIES, LLC
RMJE PROPERTIES, LLC**

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

AND

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

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

DRAFT NOTICE OF APPEAL

TAKE NOTICE that the Appellant (being the Fifth Defendant) hereby appeals to the Court of Appeal against the decision of the Honourable Justice Mr. Bryan L. Weekes, Judge of the High Court (the "Learned Trial Judge") delivered orally on the 27th day of May, 2026 and in writing on the 19th day of June, 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' costs of the amended recusal application, to be assessed if not agreed.
- (iv) Liberty to apply.

2. Details of findings of fact

- (i) The Learned Trial Judge referred to the Fifth Defendant/Appellant as a party to the application for his recusal.

3. Details of holdings of law

- (i) The Learned Trial Judge referred to the Fifth Defendant/Appellant as a party to the application for his recusal.
- (ii) The Learned Trial Judge penalised the Fifth Defendant/Appellant by ordering that it pay the costs of the Claimants/Respondents.

4. Grounds of AppealErrors of Law

- (i) On the 27th day of May, 2026 the Learned Trial Judge delivered an oral decision and did not provide any reasons for the same.
- (ii) On the 19th day of June, 2026 the Learned Trial Judge delivered his written decision and made an order dismissing the Application of the First, Second, Third and Fifth Defendants in circumstances where the Fifth Defendant never made an application nor was it a party to any application for the recusal of the Learned Trial Judge.
- (iii) On the 19th day of June, 2026 the Learned Trial Judge delivered his written decision and made an order that the First, Second, Third and Fifth Defendants shall pay the Claimants' costs of the amended recusal application, to be assessed if not agreed in circumstances where the Fifth Defendant never made an application nor was it party to any application for the recusal of the Learned Trial Judge.

5. The Orders sought are:

- (i) An order quashing the following decisions of the Honourable Mr. Justice Bryan L. Weekes, Judge of the High Court delivered in writing on the 19th day of June, 2026:
 - (a) The amended application by the First, Second, Third and Fifth Defendants for the recusal of the trial judge is dismissed.
 - (b) The First, Second, Third and Fifth Defendants shall pay the Claimants' costs of the amended recusal application, to be assessed if not agreed.
- (ii) The Claimants/Respondents do pay the Fifth Defendant's/Appellant's costs of the appeal to be agreed or assessed.

6. Details of 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

Apes Hill Club Homeowners Association Inc.
Mr. Christopher Anthony Audain
Mr. Sunil Chatrani
Mr. Roddy J. Carr
C/o Mr. Roger C. Forde, KC
Attorney-at-Law
Ground Floor
Carrington & Sealy Complex
Belmont House
Belmont Road
ST. MICHAEL

Dated this day of 2026

BM+Co. in association with Mr. Malcolm W.E. Deane
Attorneys-at-Law for the Fifth Defendant/ Appellant

Whose address for service is:

BM+Co
Attorneys-at-Law
Morgan House
Haymans
ST. PETER

The Registry is located at the Supreme Court Complex, Whitepark Road, St. Michael, Telephone number 246-426-3461, FAX number (246)426-2405. The office is open to the public between 8:15 a.m. and 3:30 p.m. Monday to Fridays except on public holidays.

BARBADOS

COURT OF APPEAL

ON APPEAL FROM CLAIM NO. CIV0284/2023

IN THE SUPREME COURT OF JUDICATURE

IN THE COURT OF APPEAL

BETWEEN

**LAMBCHOP PROPERTIES LLC
RMJE PROPERTIES LLC**

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

AND

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

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

DRAFT NOTICE OF APPEAL

BM + Co.
ATTORNEYS-AT-LAW

BARBADOS

COURT OF APPEAL

ON APPEAL FROM CLAIM NO. CIV0284/2023

IN THE SUPREME COURT OF JUDICATURE

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

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

APPLICATION FOR LEAVE TO APPEAL

BM + Co.
ATTORNEYS-AT-LAW
