

GP/ADR/103584

July 10, 2026

Mr. Paul Lamb
c/o LambZankel, LLP
534 Broadhollow Road
Suite 210, Melville, New York
11747-9034, USA

Dear Sir,

Re: CIV284 of 2023 – Lambchop Properties LLC et al v Apes Hill Club Homeowners Association Inc et al

We write to provide you with an update on the above-captioned proceedings. We enclose herewith a copy of the Judgment of the Honourable Mr. Justice Bryan Weekes, Judge of the High Court (the “**Judge**”) dated June 18, 2026 (the “**Judgment on Recusal**”), delivered in respect of the amended application by the First, Second, Third and Fourth Defendants for the recusal of the Judge (the “**Amended Recusal Application**”)

In the Judgment on Recusal, His Lordship dismissed the Amended Recusal Application in its entirety. The Court found that neither the allegation of actual bias nor that of apparent bias was made out on the evidence. The Court further ordered that costs of the Amended Recusal Application be awarded to the Claimants, to be assessed if not agreed. The matter is to remain before the Court for further case management and the continuation of the trial.

Pursuant to your instructions, we also set out below a brief chronology of the principal procedural events from the commencement of the trial on October 13, 2025, to the delivery of the Judgment on Recusal:

1. On October 13, 2025, the trial commenced. On this date, the Court dealt with various housekeeping matters including the Claimants’ Applications for Specific Disclosure and for the affidavits filed on behalf of the respective parties to stand as their evidence in chief. The Court ordered the Claimants to file a supplemental witness statement reflecting the facts contained in your affidavit in support.
2. On October 14, 2025, the Court continued to deal with various housekeeping matters including hearing submissions on the admissibility of your Supplemental Witness Statement

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and on related evidentiary objections raised by the Defendants.

3. On October 15, 2025, the trial continued. The Court ruled that your Affidavit and Supplemental Witness Statement, together with the Exhibits thereto, would be admitted into evidence as your evidence in chief, and you took the stand to commence the amplification of that evidence in chief.
4. On October 16, 2025, the trial was adjourned due to a home invasion at the home of the First, Second, Third and Fourth Defendants' Attorney-at-Law.
5. On October 17, 2025, the trial continued with further amplification of your evidence in chief.
6. On October 23, 2025, the trial was adjourned. The Second Defendant, Mr. Christopher Audain (the "**Second Defendant**"), had become unwell and was unable to continue to participate in the proceedings. The Court fixed adjourned dates of December 8 to 11, 2025 for the continuation of the trial.
7. On October 28, 2025, the Third Defendant, Mr. Sunil Chatrani filed a supplemental witness statement.
8. On December 8, 2025, at the hearing convened for the continuation of the trial, the Court was advised that the Second Defendant remained unwell and that his fitness to attend and participate in the trial could not be confirmed with certainty. The trial dates of December 8 to 11, 2025 were vacated, and the Court fixed further adjourned dates of March 3 to 6, 2026 for the continuation of the trial.
9. On February 20, 2026, the First and Second Defendants filed an application for an adjournment of the trial on the grounds of the continued illness of the Second Defendant.
10. On March 3, 2026, the matter was listed before the Court for consideration of the First and Second Defendants' application for adjournment and was stood down to the following day for the application to be heard.
11. On March 4, 2026, the application for an adjournment was heard. The Court refused the adjournment but directed, as a condition of the trial proceeding, that the Second Defendant's evidence be admitted pursuant to *section 51 of the Evidence Act, Cap. 121 of the Laws of Barbados*. Counsel for the First and Second Defendants sought permission for leave to appeal the Judge's decision to refuse the adjournment and that permission was also refused. Further, the Court directed that the Second Defendant file a supplemental

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witness statement on or before March 23, 2026, and that the Claimants file an amended application for specific disclosure by close of business on March 4, 2026, to be dealt with on March 6, 2026.

12. On March 6, 2026, the First, Second, Third and Fourth Defendants' Attorney-at-Law made an oral application to the Judge for his recusal. This application was refused and the Judge directed that a formal application be made for the Court's consideration ahead of the next dates of hearing set down for March 23 to 26, 2026.
13. On March 19, 2026, the said Notice of Application for Recusal and Affidavit in Support ("**Recusal Application**") were filed on behalf of the First, Second, Third and Fourth Defendants.
14. On March 20, 2026, we filed an Affidavit in Response, sworn to by you, and written submissions on behalf of the Claimants in opposition to the Recusal Application.
15. On March 23, 2026, the Court heard the parties on the Recusal Application. The First, Second, Third and Fourth Defendants' Attorney-at-Law indicated that he desired to file either an amended application or a fresh application with additional grounds and submissions, and the Court granted the First, Second, Third and Fourth Defendants leave to do so. Counsel for the Claimants raised the issue of the lack of objective evidence in support of the Recusal Application. Therefore, the Court ordered the Defendants to file an Affidavit exhibiting the transcripts of the Court proceedings which are relevant to the Recusal Application. The matter was adjourned until May 8, 2026, for the hearing of the Recusal Application.
16. On April 29, 2026, the Defendants filed the Amended Recusal Application supported by a Second Affidavit of Mr. Sunil Chatrani. Further submissions were thereafter filed by the respective parties.
17. On May 8, 2026, the Amended Recusal Application was heard and the Court directed the parties to file their oral arguments in written format on or before May 15, 2026. The Court reserved its decision until May 18, 2026.
18. On May 15, 2026, all parties filed their respective written submissions.
19. On May 27, 2026, the Judge gave his decision dismissing the Amended Recusal Application in its entirety on both the grounds of actual bias and apparent bias and adjourned the matter until September 14, 2026, for the continuation of the trial.

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20. On June 18, 2026, the Judge provided the parties with the Judgment on Recusal.
21. On June 30, 2026, the First, Second, Third and Fourth Defendants filed an Application for Leave to Appeal the Judgment on Recusal, together with a supporting Affidavit of Mr. Sunil Chatrani and a draft Notice of Appeal.
22. On July 9, 2026, the Fifth Defendant filed an Application for Leave to Appeal the order for costs contained in the Judgment on Recusal, together with a supporting Affidavit of Mr. Sunil Chatrani and a draft Notice of Appeal.
23. On July 10, 2026, we wrote to the Registrar of the Supreme Court requesting that the Amended Notice of Application for Specific Disclosure, filed March 4, 2026, be set down for hearing before the close of the current Court calendar and in advance of the September 14, 2026 trial date.

We wish to advise that it is our intention to pursue the determination of the Claimants' outstanding amended application for specific disclosure prior to the adjourned dates fixed for the continuation of the trial. A copy of the said amended application for specific disclosure is enclosed for ease of reference. We consider it essential that this application be resolved at the earliest opportunity in order to ensure that the Claimants are not prejudiced in the presentation of their case and that all directly relevant documents are before the Court before trial resumes.

We will revert to you with further details regarding the hearing date for this application. However, kindly note that we remain in the Court's and/or Registry's hands with respect to the issuance of a hearing date for the said application. The Court typically takes its summer vacation in August into the beginning of September, and this may have an impact on the issuance of a Court date before the next hearing.

We will keep you informed of all developments. In the meantime, please do not hesitate to contact us should you have any queries.

Yours sincerely,


Akeem D. Rowe
Senior Associate