

IN THE SUPREME COURT
OF TURKS AND CAICOS ISLANDS
Civil Jurisdiction

Case No. CL 5/10
Plaintiff

BETWEEN

DIANE GOLDMAN

AND

TWA MARCELIN WOLF
EQUITY LIMITED
LOGBERG DIRECTORS LIMITED
LOGBERG SECRETARIES LIMITED

Defendants

N Saunders and O Selver for plaintiff
N Coleman for first, third and fourth defendants
G Chapman for second defendant

Addendum to Ruling of 28 April 2010

1. Since issuing my Ruling on 28 April 2010 in this case, I have been asked by counsel for all defendants to clarify both my order for costs and an apparent inconsistency in my findings as set out in paragraphs 20 and 27.

2. My ruling was made on an application by all four defendants to strike out the claim against each defendant on two grounds which can be summarised as:

- (i) that the present plaintiff lacks independent standing to sue solely and separately in her name, and
- (ii) that, in the case of each defendant, there is no cause of action disclosed.

3. I ruled in favour of all the defendants in respect of the first of those challenges and stated, in paragraph 20:

"... it is clear that the plaintiff is not the sole owner of any of the properties nor is she the sole shareholder of any of the Companies. She cannot make the claims she has without joining the others entitled and, as she has done that [*i.e. made the claim without joining the others*], it is an improper use of the court procedures. The court will always prevent its procedures being used in such a manner and the action is struck out in its entirety as an abuse of the court's process." (*Passage in italics added*)

4. That effectively disposed of the application but, in case there was to be any question of res judicata, I also ruled considered I should rule on the second ground and, on that, ruled in favour of the application by the second defendant (paragraphs 22- 24) and the third and fourth defendants (paragraph 25) but not in the case of the first defendant (paragraph 26). However, as I have pointed out, I had already struck out the action against all four defendants in paragraph 20.

5. The passage upon which the defence seek clarification is the costs order in paragraph 27:

"The Plaintiff must pay the costs of the second, third and fourth defendants. In respect of the first defendant, the defence has succeeded in part only and so i make no order for costs in the case of the first defendant."

6. In that, I was clearly in error and must now correct it. Whilst it is correct that the first defendant had succeeded in only one of the two grounds of his challenge, the ground on which he succeeded resulted in the action being struck out. The order in respect of the first defendant should, therefore, have been that the first defendant shall have his costs.

7. I substitute, for the last paragraph, the following:

"27. The Order is that the whole action is struck out against all defendants with costs to be taxed if not agreed within fourteen days."

This 4th day of May 2010



Gordon Ward
Chief Justice

