

COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
COMMON LAW AND EQUITY SIDE

2015/CLE/gen/No.01451
2014/CLE/gen/No.01620

BETWEEN

JUNKANOO ESTATES LTD

First Plaintiff

YURI STAROSTENKO

Second Plaintiff

IRINA STAROSTENKO

Third Plaintiff

AND

UBS (Bahamas) LTD (In Voluntary Liquidation)

Defendant

(Actions and Counterclaims consolidated by Order of the Judge dated 4 November 2015)

OPENING NOTE

This *Note* is drafted by the Plaintiffs for the Pre-Trial Review adjourned to the 8th August 2019.

1. The Note addresses:
 - 1.1. outstanding directions or interlocutory steps still to be taken;
 - 1.2. the issues for determination at the trial;
 - 1.3. the most efficient way in which those issues might be dealt with at the trial, including all questions of timetabling of witnesses.
2. There are still outstanding interlocutory steps to be taken at the time of the Pre-Trial Review. That means, as follows.
3. The Defendant has not complied with an earlier direction of the Court in the oral Order made by The Hon. Mr. Justice Ian R. Winder at the hearing on the 6th July 2019 (the first case management conference), as amended, in that it failed to exchange with the Plaintiffs or to file with the Court:
 - 3.1. any witness statement on or before the 23rd April 2019; and
 - 3.2. any expert report on or before the 27th May 2019.

4. In the event the Court is to require prompt compliance, the Plaintiffs are of view to apply to the Court to make costs orders to reflect the delays.
5. Otherwise, the Plaintiffs undertake to apply to the Court for an Order that the Defendant be debarred from calling any witness and any evidence of fact, and from calling any expert and any evidence of opinion at the trial in accordance with the Notice of debarment given to Mrs. Chizelle Cargill and Mr. Marco Turnquest, attorneys for the Defendant, and Mr. John Delaney and Mr. Prince Rahming, joint voluntary liquidators of the Defendant, filed with the Court on the 15th May 2019.
6. Also, under Order 31A Rule 14(5) of the Rules of the Supreme Court (“RSC”), the following procedural applications by the Plaintiffs must be heard and determined by this Honorable Court or by The Hon. Mr. Justice Ian Winder, who conducted the first case management conference, prior to the Pre-Trial Review:
 - 6.1. an application originally filed on 8th June 2018 and re-filed on 29th January 2019 for an Order that certain paragraphs of the Amended Defence by the Defendant be struck out;
 - 6.2. an application filed on 11th June 2018 for summary judgment under RSC Order 14 for the reliefs claimed in certain claims of the Plaintiffs’ Statement of Claim;
 - 6.3. an application filed on 17th May 2019 to restore the Plaintiffs’ application filed on 4th July 2018 for an Order, among others, giving leave to serve on the Defendant interrogatories.

Dated: 6th August 2019.

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