

COMMONWEALTH OF THE BAHAMAS

IN THE COURT OF APPEAL

Supreme Court Civil Appeal Side

SUPREME COURT

SEP 04 2019

Nassau, Bahamas

2018

No. 24

BETWEEN

JUNKANOO ESTATES LTD

First Appellant

AND

YURI STAROSTENKO

Second Appellant

AND

IRINA TSAREVA-STAROSTENKO

Third Appellant

AND

UBS (BAHAMAS) LTD (In Voluntary Liquidation)

Respondent

**NOTICE BY RESPONDENT OF INTENTION TO
RELY UPON PRELIMINARY OBJECTIONS**

TAKE NOTICE that the Respondent herein named intends, at the hearing of this Appeal, to rely upon the following preliminary objections notice whereof is hereby given to you, viz:

That the Court of Appeal should stay the Appellants Notice of Appeal filed herein on 1 February 2018 until they satisfy the various costs order made against them by the Court of Appeal as is set out below.

That the Court of Appeal has no jurisdiction to hear grounds 1 – 7 of the Appellants' Notice of Appeal filed herein on 1 February 2018 as a result of the Appellants' failure to obtain leave to appeal from Mr Justice Evans (as he then was) in relation to the same as is confirmed by his Order dated 21 December 2017.

AND TAKE NOTICE that the grounds of the said objections are as follows:

1. That the Court of Appeal should stay the Appellants Notice of Appeal on the ground that the Appellants have failed to pay the Respondent's costs of:
 - a. Civil Appeal No 89 of 2018 which relates to the same order the current appeal relates to which costs have been taxed at \$34,130.48;
 - b. the Appellants unsuccessful application for a stay of execution on 2 February 2018 for which the Respondent claims \$13,640.00 in its bill of costs dated 28 March 2018; and,
 - c. the Appellants unsuccessful application for a fee waiver on 27 May 2019 for which the Court of Appeal fix the Respondent's costs at \$2,500.00.
2. In relation to ground one set out above, the Respondent will ask that the Court hear its Notice of Motion filed herein on 18 October 2018 prior to the hearing of the Appellants Notice of Appeal.
3. That grounds 1 to 7 of the Appellants Notice of Appeal relate to grounds which Mr Justice Evans (as he then was) did not grant the Appellants leave to appeal on in his Order dated 21 December 2017 and as such the Court of Appeal has no jurisdiction to entertain the same.

DATED this 4 September 2019

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To: (1) **PRINDERROCK LAW CHAMBERS.**
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Attorneys for the First Appellant

(2) **The Second and Third Appellants.**

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