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**NOTICE TO PARTIES OF THE COURT'S
MEMORANDUM OF REASONS FOR JUDGMENT**

APPLICATION NO COA2025APP00179

BETWEEN	LOLITA EVANS	APPLICANT
AND	ADRIAN THOMPSON	1ST RESPONDENT
AND	REGISTRAR OF CO-OPERATIVE SOCIETIES	2ND RESPONDENT/ INTERVENOR

TAKE NOTICE that this matter was heard by the Hon Mrs Justice McDonald-Bishop P, the Hon Mr Justice Laing JA and the Hon Mrs Justice G Fraser JA on 16 February 2026, with Douglas Leys KC for the applicant, Abraham Dabdoub and Mrs Karen Dabdoub instructed by Dabdoub, Dabdoub and Co for the 1st respondent, and Ms Katherine Francis and Stephen McCreath instructed by the Director of State Proceedings for the 2nd respondent/intervenor.

TAKE FURTHER NOTICE that the court's memorandum of reasons for its decision made on 16 February 2026, delivered by the Hon Mrs Justice McDonald-Bishop P, is as follows:

[1] The applicant, Lolita Evans, is aggrieved by orders made by Jarrett J ('the learned judge') in the Supreme Court on 5 September 2025, refusing her application for an injunction against the 1st respondent, Adrian Thompson, and refusing to permit amendments to her fixed date claim form. The learned judge did not provide written reasons for her orders. However, the applicant reports that the orders were based

on the learned judge's findings that "[t]he Fixed Date Claim Form discloses no serious issue to be tried" and "[d]amages are an adequate remedy".

[2] The applicant filed a notice of appeal against the refusal of the injunction (Supreme Court Civil Appeal No COA2025CV00082) ('the appeal'), without the leave of the court (as leave to appeal against the refusal of the injunction was not required under section 11(1)(f)(ii) of the Judicature (Appellate Jurisdiction) Act). In relation to the order refusing the amendments, the applicant filed a notice of application for leave to appeal (which was subsequently amended twice), and also seeks a stay of the learned judge's orders and interim injunctive relief against the 1st respondent. The further amended application, filed on 6 February 2026, is now before the court for determination.

[3] Resolving whether the injunction and the amendments ought to have been granted in the court below will necessarily require the court to examine the correctness of the learned judge's finding that the fixed date claim form discloses no serious issue to be tried. Therefore, the orders refusing the injunction and amendments are inextricably linked. Given the close relation of the orders, and guided by the court's decision in **Delroy Foster v Jamaican Redevelopment Foundation Inc** [2024] JMCA App 5 (relying on **Emmerson International Corporation v Renova Holding Ltd** [2019] UKPC 24), the court considers that, as a matter of practicality, leave to appeal the refusal of the amendments should be granted, so that the challenges against both orders may be determined together. In these circumstances, the court considers that the best course is to grant permission to amend the notice of appeal filed in the appeal to incorporate the applicant's challenge against the refusal of the amendments.

[4] The court notes that none of the orders made by the learned judge is amenable to a stay of execution. Therefore, the application for a stay of execution cannot be granted (see **Norman Washington Manley Bowen v Shahine Robinson and another** [2010] JMCA App 27). Additionally, the interim injunctive relief being sought in the further amended application is a duplication of the relief sought in an application filed in the appeal on 1 October 2025 (COA2025APP00187). In light of the duplication, the court

directs that the application filed in the appeal should be heard, as in the usual course, by a single judge in chambers.

[5] Finally, the court notes that the heading of the applicant's fixed date claim form and all other documents filed in the court below, and in this court, do not clearly identify the parties as claimant, defendant and intervenor, or appellant and respondents. The originating documents in both courts (and all other documents filed thereafter) are therefore intitled in a manner that is not consistent with rule 8.1(4) and Form 2 of the Civil Procedure Rules 2002, and rule 2.2 and Form A1 of the Court of Appeal Rules 2002. The parties should, therefore, take steps to correct the improper titling of the documents filed.

[6] The court accordingly orders:

1. The applicant's further amended notice of application for court orders for leave to appeal, filed on 6 February 2026, is granted.
2. Leave to appeal is granted to the applicant to appeal the decision of Jarrett J, made on 5 September 2025, disallowing the amendment to the fixed date claim form given the close connection of this order to the appeal against the order refusing the injunction (**Delroy Foster v Jamaican Redevelopment Foundation Inc** [2024] JMCA App 5 applied).
3. The applicant is to file an amended notice and grounds of appeal incorporating the appeal against the order disallowing the amendment into the appeal against the order refusing the injunction, on or before 2 March 2026.
4. The notice of application for interim injunction filed 1 October 2025 (COA2025APP00187) is fixed for hearing before a single judge in chambers on 19 May 2026 at 2:00 PM.

5. The applicant is to file and serve written submissions with authorities, if any, on or before 27 March 2026.
6. The respondents are to file and serve their written submissions with authorities in response, if any, on or before 24 April 2026.
7. The applicant's attorneys-at-law to prepare and file bundles of documents to be used at the hearing of the application for injunction, on or before 8 May 2026.
8. The applicant's attorneys-at-law to prepare, file and serve this order on or before 23 February 2026.
9. Costs for today shall be costs in the appeal.