

**JAMAICA**

**IN THE COURT OF APPEAL**

**BEFORE: THE HON MR JUSTICE BROOKS P  
THE HON MR JUSTICE F WILLIAMS JA  
THE HON MRS JUSTICE SHELLY-WILLIAMS JA (AG)**

**APPLICATION NO COA2023APP00205**

**BETWEEN DEBBIE-ANN GORDON  
(Trustee for  
Mystic Mountain, in Bankruptcy) APPLICANT**

**AND SYGNUS CREDIT INVESTMENTS LTD RESPONDENT**

**HEARD WITH**

**APPLICATION NO COA2023APP00247**

**BETWEEN DEBBIE-ANN GORDON  
(Former trustee of the Estate of  
Mystic Mountain Limited, a Bankrupt) APPLICANT**

**AND WILFRED BAGHALOO  
(Receiver, Mystic Mountain Ltd  
in Receivership) 1<sup>ST</sup> RESPONDENT**

**AND SKY-HIGH HOLDINGS LIMITED  
(Bondholder & Agent of the Bondholder's  
Trustee, JCSD Trustee Services Limited) 2<sup>ND</sup> RESPONDENT**

**AND MAJORITY OF COMMITTEE OF  
INSPECTORS 3<sup>RD</sup> RESPONDENT**

**AND NINETEEN UNSECURED CREDITORS  
OF THE [BANKRUPT] 4<sup>TH</sup> RESPONDENT**

**AND WITH**

**APPLICATION NO COA2023APP00248**

**BETWEEN**                    **DEBBIE-ANN GORDON**  
**(Trustee of the Bankrupt Estate of**  
**Mystic Mountain Limited, in Bankruptcy)**                    **APPLICANT**

**AND**                            **SKY-HIGH HOLDINGS LIMITED**  
**(As agent of JCSD Trustee Services Limited,**  
**the Bondholder’s Trustee)**    **RESPONDENT**

**Lemar Neale and Chris-Ann Campbell instructed by Nea | Lex for the applicant**

**John Vassell KC, Mrs Julianne Mais Cox and Mrs Trudy Ann Dixon Frith  
instructed by DunnCox for Wilfred Baghaloo**

**Miss Carlene Larmond KC and Ms Giselle Campbell instructed by Patterson  
Mair Hamilton for Sky-High Holdings Limited**

**Kwame Gordon and Chevante Hamilton instructed by Samuda & Johnson for the  
Majority of Committee of Inspectors and Sygnus Credit Investments Limited**

**Mrs Janet Morrison instructed by Hart Muirhead Fatta for the nineteen  
unsecured creditors of the estate of Mystic Mountain Limited**

**18 March 2024**

**Endorsement read by Brooks P**

[1] On 15 and 16 January 2024 this court heard an application for leave to appeal in these cases and reserved its decision.

[2] The court prepared and delivered, on 12 February 2024, a judgment granting leave to appeal and granting a stay of execution.

[3] Although the entire substance of the application for leave and the judgment thereon concerned the orders for costs against the applicant, in her personal capacity, in error, the stay of execution ordered (‘order 3’), was not specific to that issue.

[4] Counsel for one of the respondents brought the error to the attention of the court.

[5] The court, acknowledges the inaccuracy, and in accordance with the slip rule, adjusts its order 3, which stated:

"3. There shall be a stay of execution of the orders of Batts J made on 21 July 2023 and 18 August 2023, respectively, pending the outcome of these appeals."

to read instead:

"3. There shall be a stay of execution of the orders for costs against the applicant personally, made by Batts J on 21 July 2023 in claim no SU2023IS0003 and on 18 August 2023 in claim nos SU2023IS0001 and SU2023IS0005, respectively, pending the outcome of these appeals."