



IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

IN THE CIVIL DIVISION

CLAIM NO. SU2024CV03844

BETWEEN	ANDREW HOLNESS	1ST CLAIMANT
AND	IMPERIUM HOLDINGS LIMITED	2ND CLAIMANT
AND	POSITIVE MEDIA SOLUTIONS LIMITED	3RD CLAIMANT
AND	POSITIVE JAMAICA FOUNDATION LIMITED	4TH CLAIMANT
AND	CRAIG BERESFORD	1ST DEFENDANT
AND	KEVON STEPHENSON	2ND DEFENDANT
AND	THE INTEGRITY COMMISSION	3RD DEFENDANT
AND	THE ATTORNEY GENERAL OF JAMAICA	4TH DEFENDANT

ORAL REASONS FOR JUDGMENT

Mrs Georgia Gibson Henlin KC, Mr Seyon Hanson, Miss Stephanie Williams, Mr Lemar Neale and Mr Vasheney Headlam instructed by Henlin Gibson Henlin for the claimants

Mr Kevin Powell, Mr Sundiata Gibbs and Ms Annay Wheatle instructed by Hylton Powell for the 1st, 2nd and 3rd defendants

Mr Allan Wood KC, Miss Kathryn Williams and Mr Stephen Nelson instructed by Livingston Alexander Levy for the 4th defendant

Heard: June 23, 2025, July 10, 18 & 31, 2025

Judicial Review - Duty of candour - The extent and scope of disclosure - Application by claimants for specific disclosure - CPR 56.13(1) - CPR 56.13(2)(iii), CPR 28 - Striking out aspects of the claimants' case as being inconsistent with leave granted given to bring a judicial review claim

IN CHAMBERS

CORAM: JARRETT, J

Introduction

1. These are the oral reasons given on July 31, 2025¹ for my decision on the claimants' Notice of Application filed on June 11, 2025, and the 1st, 2nd and 3rd defendants' Notice of Application filed on June 19, 2025. This oral judgment follows on the grant of leave for judicial review in **Andrew Holness & Ors v Craig Beresford & Ors [2024] JMSC Civ 154**, delivered on December 6, 2024. The background facts to the current judicial review claim are to be found in that judgment and will not be repeated here.
2. By the claimants' application, the 1st claimant seeks orders striking out several paragraphs of the 2nd Affidavit of Craig Beresford filed in response to the affidavit in support of the judicial review claim filed by the 1st claimant on December 20, 2024. The 1st claimant also seeks specific disclosure from the 1st, 2nd and 3rd defendants of certain documents.
3. In the application filed by the 1st, 2nd and 3rd defendants, they seek to strike out certain aspects of the claimants' amended fixed date claim form.

The claimants' application

4. I start by reminding myself that public bodies who are the subject of a judicial review challenge have a high duty of candour to discharge. This means that when presenting their evidence in response to a judicial review claim, they have a duty to fully and fairly present all matters relevant to the impugned decision or are otherwise relevant to any issue arising in the proceedings.
5. In **Secretary of State for the Home Department v IAB [2024] EWCA Civ 66**, a recent decision coming out of England, the court of appeal cited the learned treatises of Lewis LJ in **Judicial Remedies in Public Law**, 6th edn 2021, and said that : “ the duty of candour is an obligation of explanation” and that “[t]he

¹ These reasons are an almost verbatim transcript of what was said orally in court on July 31, 2025, save for minor editorial corrections and revisions that have been made.

respondent to a judicial review claim has a duty to explain the reasoning process underlining the decision under challenge” . The court went on to say that the explanation may be given in witness statements (we use affidavits in Jamaica) , or by disclosure of relevant documents or both, and if the respondent decides to discharge the duty of candour by disclosing documents, it is to be assumed that it is because the documents disclosed are relevant to the issues in the claim.

6. It is because of this duty of candour why standard disclosure rules typically do not apply to judicial review. In fact, our CPR 56.13(1) states that at the 1st hearing of the fixed date claim form, CPR 25 - 27 apply, but notably, CPR 28, which deals with disclosure, is not referenced. However, CPR 56.13(2)(iii) states that a judge may make orders for disclosure. It is recalled, that on the 1st day of the 1st hearing, I was presented with a draft order prepared by both sides with a provision for disclosure. I considered it was properly included, and I will explain why.
7. When the court decides to make an order for disclosure in judicial review proceedings, I believe it is then guided, *mutatis mutandis*, by the general provisions of CPR 28. Historically, the reason why disclosure, as I mentioned earlier, is circumscribed in judicial review proceedings is not only because of the duty of candour but also because typically, judicial review claims raise questions of law and the application of that law to facts that are generally not in dispute. However, there are cases (and this is one), where there are disputed facts and, where the judicial review claim raises questions/allegations of breaches of Charter rights. In these cases, disclosure orders are typically made. This has been the practice in the UK where the judicial review challenges raise questions of breaches of the Human Rights Act or the European Convention on Human Rights. So, the draft order that was presented by both counsel, was appropriately worded to include a disclosure provision in it.
8. I will start with the 1st order in the claimants’ application. As both counsel indicated to me in submissions, what remains in issue are paragraphs: 10, 11, 12 13, 14, 15, 16, 17, 18, 19, 21, and 26 of the 2nd affidavit of Craig Beresford

filed on March 14, 2025, in response to the claim. In relation to **paragraphs 10-16**, these paragraphs are the 1st defendants (Craig Beresford's), response to paragraph 22 of the affidavit of Andrew Holness filed on December 20, 2024 in support of the fixed date claim form. In paragraph 22 of his affidavit, Mr. Holness references the period 1997-2020 and he says that he submitted his statutory declarations as required, and they were certified and /or published as required. Mr. Holness argues in his affidavit filed on April 4, 2025, in response to Craig Beresford's 2nd affidavit, that paragraphs 10 -16 of Mr Beresford's affidavit are irrelevant, an abuse of process, scandalous, frivolous, vexatious and that their prejudicial effect outweighs their probative value. He also says in paragraph 8 that he was not told that there were any challenges with his statutory declarations for the referenced period.

9. I understand Mr. Beresford's response in these paragraphs, that is, 10-16, to be as follows. In paragraphs 10 and 11, he says that the declarations referred to by Mr Holness in his paragraph 22, were submitted but there were challenges with them. Then he expands on paragraph 10, and he states what those challenges were. In paragraph 11 he speaks to a letter dated January 25, 2019, from his predecessor to the Integrity Commission (IC), indicating that a review was done of Mr. Holness' statutory declarations since he became a parliamentarian. The objective was to decide whether the declarations were true representations of his assets and liabilities, and it was observed that his assets increased substantially over the period 2009 to 2012. Other areas of concern were also identified and Mr. Holness was written to, seeking clarification. Mr Holness' responses, however, were not considered adequate. There were further correspondences between Mr. Holness which followed, and Mr Holness wrote in August 2018, seeking more time to respond. Time was extended to October 2018. Mr Holness was written to again in December 2018, advising him that he had not met the October 2018 deadline, to date, that is, the date of the letter of January 25, 2019. As there was no response from Mr Holness, a referral to the Commission was made under s.42(4) of the Integrity Commission Act (ICA).

10. Mr. Beresford exhibits the January 25, 2019, letter, as well as the report on that investigation. So, he exhibits both things. In paragraph 12 he says, when the 2nd defendant assumed office, the issues had not been fully addressed or resolved and he, Mr. Beresford, was asked to provide an updated financial analysis report, which he did dated June 2, 2021. He also exhibits that report. In paragraph 30 he says when he examined Mr. Holness' 2020 declarations, he discovered that Mr. Holness had not disclosed that he was a shareholder and director in the 2nd claimant, that is Imperium Holdings Limited, but he, Mr. Holness, later confirmed this. Mr. Beresford includes as exhibits to his affidavit, his letter dated June 30, 2021, to Mr. Holness and Mr. Holness' response dated July 22, 2021.
11. In **paragraphs 14-15**, Mr. Beresford speaks to further correspondences with Mr. Holness, and his confirmation in letter dated December 31, 2021, that the examination of Mr. Holness' 2020 statutory declaration was complete. At **paragraph 16** he says that the declarations for 2019 and 2020 were certified, summarized and published.
12. I find that the responses of Mr. Beresford in **paragraphs 10-16** of his affidavit are relevant. Mr. Beresford had a duty to disclose in his affidavit evidence in response to Mr. Holness' claim, information that relate to all matters that arise in the proceedings. It was Mr. Holness who raised the issue of his statutory declarations for the period 1997-2020, in his affidavit in support of his claim. He introduced the fact of these filings for that period. He said he submitted them, and they were "certified as required". The clear implication from this evidence of Mr. Holness, is that prior to 2021, he filed his declarations without any concerns being raised in relation to them by the 1st, 2nd and 3rd defendants, and they were accordingly certified. In my view, Mr. Beresford's response is that there were in fact difficulties with the filings for the period referenced by Mr. Holness, Mr. Holness was aware of those difficulties; there were correspondences between them, and a report arising from those difficulties, but ultimately those difficulties were resolved.

13. I have found paragraphs 10 – 16 of Mr Beresford's affidavit to be relevant as they are a direct response to Mr Holness' own evidence. I therefore do not find that they amount to an abuse of process, are frivolous, vexatious, scandalous or that their probative value has been outweighed by any prejudicial effect.

14. I make the observation that at the hearing (either the last or the penultimate one), Mr. Powell did indicate that the obliterations that were of concern raised by King's Counsel Mrs Gibson Henlin, on behalf of Mr. Holness, were addressed, and that unobliterated copies have since been provided of Mr Beresford's exhibits.

15. I now move on to **paragraph 17-20**. In paragraph 23 of his affidavit filed in support of the fixed date claim form on December 20, 2024, Mr. Holness says that he submitted his statutory declarations for 31 December 2021 within the time required. He says he was called in, he met with the 2nd defendant, and he was asked to submit an amended statutory declaration. Thereafter, investigations closed as he understood it, as of February 19, 2023. But he says nothing was published exonerating him as is required by s.54(5) of the Integrity Commission Act, and he was not asked to exercise his right to refuse publication of the exoneration.

16. In paragraphs 10-11 of Mr. Holness' affidavit filed on April 4, 2025, he says that paragraphs 17-20 of Mr Beresford's affidavit are hearsay and irrelevant.

17. Mr. Beresford in his paragraph 17 refers to this paragraph 23 of Mr. Holness' affidavit in support of the fixed date claim form and in his response explains that:

- a. he began the examination of the declaration for 2021 in August 2022;
- b. as part of that examination, he did third party checks to verify the accuracy of information in the declarations; and
- c. the financial analysis of the 2021 declaration suggested that Mr. Holness had not disclosed all his assets and liabilities, and there appeared to be some irregularities with one bank account.

18. He goes on in paragraph 18 to say that the financial analysis was tabled at a meeting of the Information and Complaints Committee on the 22nd of September 2022 and arising from discussions in that meeting, he referred the financial analysis report on Mr Holness' 2021 declarations to the Director of Investigations for further investigation. In paragraph 19 he says that the Director of Investigations concluded that Mr. Holness did not deliberately make omissions from his 2021 declaration and says further that neither the investigation nor the report was made public. He invited Mr. Holness to amend the 2021 declaration which he did. Mr Beresford goes on in paragraph 20 to say that in February 2023, his recommendation and examination of the 2021 declarations and the initial findings were tabled at a meeting of the Information and Complaints Committee on February 23, 2023, and it was agreed at that meeting, that Mr. Holness should provide details of his investments in related companies and a breakdown of his financial assets.
19. It seems to me that these paragraphs in Mr Beresford's affidavit are a direct response to the evidence of Mr. Holness in his paragraph 23. They explain that on February 19, 2023, the investigation could not have been closed. I therefore find that the responses contained in these paragraphs are relevant and not hearsay. The 1st defendant is the Director of Information and Complaints. He sits on the Information and Complaints Committee; he refers in these paragraphs to documents part of the Integrity Commission's records. I really can't see how anything in these paragraphs can be considered to be hearsay. I find that the responses are a direct response to Mr. Holness' evidence that his understanding was, that the investigation was closed as of February 19, 2023.
20. In relation to **paragraph 21** (one of the impugned paragraphs of Mr. Beresford's second affidavit), Mr. Beresford says it was also found by the Complaints Committee in a meeting on February 23, 2023, that the financial statements from the 2nd claimant (Imperium Holdings Limited), were not in keeping with accounting standards, and the accountant should therefore be reported to the Public Accountancy Board. As was revealed in the hearings, this very information was included in one of the minutes for which the claimants have sought specific disclosure. It refers to discussions had relative to the 1st

claimant's filings and the financial statements produced in relation to the 2nd claimant. The response is relevant to the issues in the claim and is not an abuse of process. I do not find it to be scandalous or frivolous or that its prejudicial effect outweighs its probative value. In fact, it is quite relevant and moreover, has been disclosed under a request for specific disclosure.

21. Moving on now to **paragraph 26** of Mr. Beresford's affidavit. In it, Mr. Beresford says that on May 2, 2023, he made a referral to the Director of Investigations to undertake a financial investigation, and he exhibits the financial analysis report which accompanies that referral. It speaks to a part of the process of the examination conducted by Mr Beresford, the 1st defendant. It speaks to his referral to the 2nd defendant, and he exhibits a report which accompanied that referral. I consider that this evidence in paragraph 26 is indeed relevant. As a public officer, the subject of a judicial review challenge, he has a duty to disclose fully and fairly all matters relevant to the impugned decision, and I certainly consider that the evidence in paragraph 26 which clearly speaks to the process of the examination that was conducted, is in fact relevant and accordingly will not be struck out.

22. I now move on to order number 2 sought in the application. Order number 2 is a request for specific disclosure by the claimants. I accept and confirm that the items in 2(a) that remain in dispute (because the others were resolved) are: 16, 19, 20, 21, 24, 34, 36, 49, 51, 53, 56, 59, 64, 67, 68, 71, 77 and 85. All of these documents were actually disclosed in the list of documents by the 1st, 2nd and 3rd defendants but there were redactions. These documents are all minutes of meetings of either:

- a. the Commission.
- b. the Investigation and Complaints Committee,
- c. The Prosecution Committee; or
- d. The Information and Complaints Committee.

23. The CPR 28.6(5) states that an order for specific disclosure may require disclosure only of documents that are relevant to one or more matters in issue in the proceedings. CPR 28.7(1) states that when deciding whether to make an

order for specific disclosure, the court must consider whether specific disclosure is necessary in order to dispose fairly of the claim or to save costs. I find that the language of CPR 28.7(1) closely mirrors the dicta of Bingham LJ in **Tweed v Parades Commission for Northern Ireland**², a decision referred to by counsel, where Bingham LJ said the test for disclosure in judicial review proceedings, will always be whether, in a given case, disclosure appears to be necessary in order to resolve the matter fairly and justly. In **R (On the application of IAB) v Secretary of State for the Home Department [2023] EWHC 2930**³, Swift J, said that the principle to be applied in an application for specific disclosure in judicial review proceedings, is that of **Tweed v Parades Commission**, as reflected in the dicta of Bingham LJ.

24. In relation to those documents in order number 2(a), that remain in issue, the explanation for the redactions given in the affidavit of Evian Orits on behalf of the 1st, 2nd and 3rd defendants, is that what is redacted refers to matters unconnected to the investigation of Mr. Holness⁴. Obviously, these are minutes of meetings where I accept that under discussion would be other public officials, or other public servants or any other matter that these particular meetings would typically address within the remit of the Integrity Commission Act. I accept that the redacted information in these minutes relate to matters under investigation in other investigations. In other words - unrelated to the 1st claimant. In my view, the disclosure of the details of unconnected matters contained in these minutes, is not necessary in order to dispose justly and fairly of this judicial review claim. In addition to that, I accept the proposition of law argued by Mr. Powell, in that under s.56 of the Integrity Commission Act, it would be an offence to disclose information relating to any matter before the Integrity Commission other than that of the 1st claimant. It is my view that the disclosure required by the 1st claimant does not fall under the exception that is outlined in s.56(1).

² [2006] UKHL 53

³ **Coulthard v Secretary of State for the Environment [2024] EWHC 2409**, was cited in error on July 31, 2025

⁴ She says these include various matters outside of the present proceedings, including other investigations not yet completed, other statutory declarations, government contracts and prescribed licences.

25. In the **Secretary of State for the Home Department v IAB [2024] EWCA Civ 66**, the English Court of Appeal held that where parts of a document concerned with a wholly different subject matter from that in issue are redacted by the respondent to a judicial review claim, the redaction may be justifiable. I find in the circumstances of this case, where the public body/ public officers under challenge (the 1st to 3rd defendants), say that they redacted aspects of the minutes relating to matters unconnected to the 1st claimant and in light of the statutory provision in s. 56, I find that the redactions are justifiable.
26. With respect to Order numbers (b), (c), (d), (e), (f), (g), (h) and (i), I was advised that those documents are no longer in issue.
27. I then go on to j. Order number 2(j) is asking for the report and files that were submitted with document number 75 being the memorandum dated July 19, 2024, from Mr Kevon Stephenson to Mrs. Keisha Prince-Kameka disclosing the 1st, 2nd and 3rd defendants list of documents filed May 9, 2020. That memorandum was disclosed. I remind myself of the decision in **Secretary of State for the Home Department v IAB**, where the learning from the learned treaties of Lewis LJ in **Judicial Review Remedies in Public Law** was cited. It was said that where a respondent in judicial review proceedings discloses a document, then it must be assumed that the document is relevant. So, I start with that premise. To have therefore disclosed the memorandum without its enclosures, is of concern. I believe that if the 1st to 3rd defendants considered that that memorandum was “disclose-able”, then within the context of the discharge of their duty of candour, and the fact that this is a matter where both sides acknowledge the need for disclosure, then the documents that were transmitted by that memorandum ought to also have been disclosed.
28. There is no evidence whether the report referred to in that memorandum is the final report which is the subject of the judicial review claim or whether it is a draft. I believe that if it is the final report, which I believe is 400 pages long, then it would be unreasonable and disproportionate to ask for it again, because the claimants have it. If it is a draft, given what I said earlier about the fact that the enclosures ought to have been disclosed, since it was considered that the

memorandum was “disclose-able”, then the draft ought to have been disclosed. There appears to have been 14 files accompanying the report. Again, having disclosed the memorandum, I believe the accompanying files must also be disclosed. If it is that the documents already disclosed are from those 14 files, then that needs to be said. Therefore, searches need to be made to ascertain whether all the documents that have been disclosed, constituted those files and if in fact there are other documents that were not disclosed but are “disclose-able” then they should be disclosed.

29. I then go on to Order number 2 (k) to (m) which seek to have **all** documents prepared by Mrs. Stephanie Fiddler-Blake, including Mrs. Stephanie Fiddler-Blake’s resignation, documents setting out her communications, concerns, statements and her contribution and or her conclusions and recommendations to the investigation and the report (the subject of the claim). I believe the same request is repeated in relation to Mr. Ron-Odade Johnson and Ms. Kema Medford, save for any reference to “resignation”. It is my view, that since these individuals were involved in the investigative process, if there exists documents prepared by them which contain their analysis, conclusions and or recommendations touching and concerning the investigations and ultimately the report, such a document would be, in my view, directly relevant and necessary in order to resolve the judicial review claim fairly and justly.

30. So, for example, the question of irrationality (which is a ground relied on in the claim to quash the report), raises the issue whether the findings, conclusions and recommendations are irrational having regard to the evidence before the Director of Investigations. If it is that the Director of Investigations, having received any document that contained, as I said, analysis, conclusions and recommendations of these three individuals and failed to take them into account, that would raise issues that directly impact questions raised in the claim as to whether there is a failure to take into account relevant considerations or whether irrelevant considerations were taken into account - and this is just an example.

31. The judicial review court (the Full Court) may have to explore the evidence that was before the Director of Investigations in order to determine whether the report is found to have any legal deficiencies. In doing so it is not that the court is setting about forming its own view on the evidence, which it cannot do, but it obviously has to look, whenever considering issues of irrationality, whether relevant considerations were taken into account or whether the evidence that was before the Director of Investigations, could lead to the conclusions he came to. Those are all matters that the judicial review court will take into account. (See for example **Reid v the Secretary of State for Scotland [1999] 2 AC 512** per Clyde J).

32. I do not believe however, that Mrs. Fiddler-Blake's letter of resignation would fall into that category. There is nothing before me to indicate that that letter of resignation would be directly relevant to the issues that arise on the claim. It is also my view that the language of k, l and m, for the disclosure of; "**all documents**", is way too broad, and so it is to be circumscribed. But I believe, as I have said, that what would be relevant, are any documents that contain these investigators' analysis, conclusions and recommendations touching and concerning the investigation and the report which they obviously would have sent to the Director of Investigations. Of course, these documents could well be in the 14 files, and that is why I will be ordering that a search be done to ascertain if these documents exist.

1st, 2nd and 3rd defendants' application

33. I turn now to the application of the 1st, 2nd and 3rd defendants. This is an application to strike out certain aspects of the amended fixed date claim form. These are in relation to orders number 2 and 7 being sought in the claim and grounds 55 and 36 being relied on to support the claim. I start with an acknowledgement that in relation to the challenge to order number 1, it has been conceded by Mrs Gibson Henlin KC, that the reference to the date of the addendum to the report is a typographical error, so that need not be addressed.

34. In relation to order number 2, I say this. I granted leave to bring a judicial review claim quashing the August 2024 Report. That report contains findings, conclusions and recommendations. It is a very voluminous report, I believe 400 pages if I am not mistaken. When I made the order quashing the report, it would encompass the findings, conclusions and recommendations, so I find that an order of certiorari to quash the findings conclusions and/or recommendations made in the report is repetitive. I know this is not the exact language of order 2, but it is encompassed in the order quashing the report. So, when order 2 extends to include what is in order number 1, and then goes on to include: “**and or the 3rd defendant, the Integrity Commission, which are contained in the Investigation Report...**” I granted no such leave. Where it is that leave is required for a judicial review remedy, and I spelt this out in my decision in **Norman Brown v Craig Beresford & The Integrity Commission**⁵, you cannot introduce into the judicial review claim, a judicial review remedy such as certiorari, for which leave was not granted .The rest of order number 2 absolutely cannot stand and so order number 2 will be struck. ⁶

35. I then move on to order number 7 and ground 55. At the 1st hearing prior to the amendment of the fixed date claim form, I observed the use of the word “purported” in relation to the examination of the statutory declarations for the 1st claimant for the years 2022 and 2023. I see it coming back again, in fact at the time I raised it, I inquired whether it was a collateral attack on my decision. Because, at the leave stage, leave was sought to bring a judicial review claim seeking mandamus as against Mr. Beresford in his capacity as the Director of Information and Complaints, directing him to examine the 2022-2023 statutory declarations of the 1st claimant. In refusing to grant leave to bring a judicial review claim seeking mandamus, in respect of Mr. Beresford’s examination of the 2022-2023 statutory declarations, I found that Mr. Beresford had indeed

⁵ [2025] JMSC Civ. 9

⁶ After hearing further from Mrs Gibson Henlin KC during the course of making my orders on July 31, 2025, that the Full Court is at liberty to strike out some but not all of the Report and that this was previously raised and discussed at the first hearing, I ultimately decided not to strike out this order and leave it for the Full Court to address as it deems appropriate . My orders therefore do not reflect Order # 2 being struck out. It was also said by King’s Counsel that the reference to “**reports**” in Order # 2 of the amended fixed date claim form is really a reference to the addendum to the August 2024 report which, she says, is a separate report. That too, I will leave for the Full Court to address.

discharged his statutory duty and therefore, I refused the order of mandamus. It therefore cannot be, (given that finding and bearing in mind that this is judicial review), that having found that the public officer discharged his public duty in this particular respect, it cannot be, that in the claim form, there is going to be a question surrounding whether or not that statutory duty was discharged. I found, in refusing to grant leave to bring a claim for mandamus, that it had been discharged. Therefore, I consider that, to raise the issue again, where you raised the question at the leave stage (which you must), and the judicial review court finds that that officer did in fact discharge his public duty, it cannot be that the claim is filed and the allegation is that that officer “purportedly” examined the statutory declarations. The use of the word “purportedly” finds its way in ground 55 of the amended fixed date claim form as well and therefore, it is to be struck wherever it is referenced.

36. In relation to ground 36, I am concerned by the inclusion of “and/or the 3rd defendant” because as I found in the **Norman Brown** matter, and referenced in this matter as well, the investigation was that of the Director of Investigations. I therefore, can’t see how the inclusion of “**and or the 3rd defendant**” in ground 36, is appropriate. In fact, it really doesn’t add much to the very expansive claim that is already before the court, but the primary reason for my decision, is that the 3rd defendant did not participate in any investigations.

Leave to Appeal

37. I believe that the claimants’ application raises important issues surrounding disclosure, on which I do not think we have very much jurisprudence in our jurisdiction, particularly in light of the language of our CPR 56. It will therefore be helpful to get the court of appeal’s guidance on these matters. I am prepared to grant the claimants’ oral application for leave to appeal, and I will grant a stay of proceedings.

Orders

38. These are my orders:

The claimant’s application

1. Order number 1 is refused.

2. Order number 2(a) (as amended) is refused.
3. Order number 2(j) - if the report referred to in the memorandum dated July 19, 2024, is a draft, then within 7 days of this order, the 1st, 2nd and 3rd defendants are to disclose the draft. Within 14 days of this order, a search is to be conducted by the 1st, 2nd and 3rd defendants to determine whether documents that have already been disclosed include the documents in the 14 files referred to in the memorandum of July 19, 2024. If the search reveals documents not disclosed but which should have been disclosed, disclosure is to be made within 7 days of the completion of the search.
4. Order number 2(k), (l) and (m) - within 14 days of this order a search is to be conducted to determine whether there exists any documents prepared by Mrs. Stephanie Fiddler-Blake, Mr. Ron - Odade Johnson and Ms Kema Medford, which contain their respective analysis, conclusions and/or recommendations, touching and concerning the investigation and the report , and any such document must be disclosed within 7 days of the completion of the search.
5. Costs are costs in the claim.
6. Leave to appeal granted to the claimants; stay of proceedings is granted pending the outcome of the appeal and I ask that the Court of Appeal give this matter an expedited hearing.

The 1st, 2nd and 3rd defendants' application:

1. The word "purported" in order number 7 and ground 55 of the Amended Fixed Date Claim form is struck out.

2. The words “and or 3rd defendant” in line 1 of ground 36 of the Amended Fixed Date Claim Form is struck out.
3. Costs are costs in the claim.

A Jarrett
Puisne Judge