

COMMONWEALTH OF THE BAHAMAS

NES/1858 of 2013

INDUSTRIAL TRIBUNAL

New Providence

In the Matter of the Industrial Relations Act Chapter 321

And

In the Matter of the Industrial Relations (Tribunal Procedure)
Rules 2010.

BETWEEN:

ASHTON FERGUSON 1ST APPLICANT

AND

DANRICK FERGUSON 2ND APPLICANT

V.

KLG INVESTMENT LTD. d.b.a.
AQUAPURE RESPONDENT

Appearances: Mr. Errol McKinney Representative of the Applicants;
 Mr. Dywan Rodgers of Counsel for the Respondent

Before: His Honour, Vice President Keith H. Thompson

AMENDED ORDER

1. This matter commenced before the Tribunal on the 21st November, 2017 and was adjourned to January 24th, 2018 and again to May 8th, 2018. On this date the parties informed the Court that they had arrived at a resolution in the matter of the 2nd Applicant (Danrick Ferguson).

2. During the trial the evidence of Danrick Ferguson disclosed that the 1st Applicant knew nothing about the removal of copper wires or the sale thereof.

3. The 2nd Applicant disclosed in his evidence that not only did he remove the wire but he subsequently sold it thereby enriching himself with an asset of the Respondent.

4. In light of this, the Court could not in good conscience or in the public's interest continue the trial, which would have been an abuse of process.

5. The Court then decided that in light of the innocence of the 1st Applicant as disclosed by the evidence of the 2nd Applicant that the 1st Applicant should be "FULLY COMPENSATED", and that the 2nd Applicant's Originating Application be dismissed pursuant to Section 58 (1), (d) of the Industrial Relations Act which states;

58 (1), (d) "The Tribunal may in relation to any matter before it –
dismiss any matter or part of a matter or refrain from further hearing or from determining the matter, if it appears that the matter or party thereof is trivial, or that further proceedings are unnecessary or undesirable in the public's interest."

6. The parties thereafter agreed to settle the claim of the 1st Applicant, and that the Originating Application of the 2nd Applicant would be dismissed.

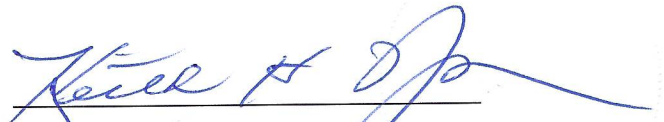
7. In light of the foregoing, a Notice of Withdrawal was filed on behalf of the 1st Applicant and the Representative of the 2nd Applicant also withdrew the 2nd Applicant's Originating Application.

8. A deed of Release was also filed on behalf of the 1st Applicant.

9. In view of the filing of the said Notice of Withdrawal on behalf of the 2nd Applicant his claim was dismissed in accordance with Rule 12 (1), (a) of the Industrial Relations (Tribunal Procedure) Rules 2010 and the Originating Application filed on his behalf thereby stood withdrawn.

Dated this 16th day of May, A.D., 2018.

His Honour,



Keith H. Thompson (Mr.)
Vice President