

**COMMONWEALTH OF THE BAHAMAS  
INDUSTRIAL TRIBUNAL**

**NP2021-19**

In The Matter of The Industrial Relations Act

And

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

**BETWEEN**

**JONATHAN CLARKE**

Applicant

**AND**

**ATLANTIS PARADISE ISLAND BAHAMAS**

Respondent

**APPEARANCES:** Mrs Mary S Bain-Charlton for the Applicant  
Mrs Lakeisha Hanna for the Respondent

**BEFORE:** Her Honour Vice President Simone I. Fitzcharles

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**ORDER**

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**WHEREAS:**

- 1) This matter is listed for a hearing today, Tuesday 7 December 2021 at 10:00 a.m. However, the directions handed down on Thursday 13 May 2021 ("the Order on Directions") were not complied with by the Respondent due to a change in

Respondent's counsel and the unavailability of lead counsel to attend to the matter due to an intermittent period of maternity leave.

- 2) In brief, the Applicant contends, as set out in correspondence to the Tribunal, inter alia that the defence filed in this matter should be struck out or the Respondent should be curtailed from serving the defence on the Applicant and/or from filing any of the documents for trial by reason of non-compliance with the Order on Directions.
- 3) The Respondent retorts inter alia that the Applicant did not bring the dispute against the correctly named party and that according to the Industrial Relations (Tribunal Procedure) Rules a defence could only be struck out where the Tribunal is of the view it is scandalous, frivolous or vexatious. The Respondent's counsel also apologises for the delay in filing and reiterates the reasons for the same as previously stated in correspondence to the Tribunal.
- 4) The Applicant now also applies for the joinder of Paradise Enterprises Limited as a Respondent and for the removal of Atlantis Paradise Island Bahamas in the action, and the Tribunal has verified there is no objection to this application by the Respondent.
- 5) The Tribunal is of the view it should grant the Applicant's application for joinder of Paradise Enterprises Limited as a Respondent. Further, being of the view, in the circumstances, that the delay on the part of the Respondent was not contumacious and does not prejudice the Applicant's case, the Tribunal is minded to give directions for the matter to proceed with due dispatch, yet having necessary regard to the availability of counsel and the parties, which has been canvassed.

**IT IS HEREBY ORDERED** as follows:

1. Pursuant to Rule 16(1) of the Industrial Relations (Tribunal Procedure) Rules 2010 (hereinafter "the IRTP Rules"), the Applicant shall be at liberty to join Paradise

Enterprises Limited as a Respondent. Further, pursuant to Rule 16(2) of the IRTP Rules, the party named as Atlantis Paradise Island Bahamas is dismissed from the proceedings, and all future references to the Respondent in this action shall reflect and/or be a reference to Paradise Enterprises Limited as the Respondent.

2. The Defence (Form E) filed by the Respondent on Tuesday 2 March 2021, shall be served by the Respondent on the Applicant on or before Friday 17 December 2021;
3. The Respondent shall file its Witness Statements, Bundle of Documents and Skeleton Arguments with authorities and serve the same on the Applicant on or before Friday 21 January 2022;
4. The trial of this action shall be set down for three (3) days, to take place at 10:00 o'clock in the forenoon on Tuesday 15 March, Wednesday 16 March and Thursday 17 March 2022;
5. Liberty to apply.

**AND THIS IS THE ORDER OF THIS TRIBUNAL**

Dated this 7<sup>th</sup> day of December A.D. 2021.

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**Simone I. Fitzcharles**  
**Vice President**