

**COMMONWEALTH OF THE BAHAMAS**  
**INDUSTRIAL TRIBUNAL**

**No. IT/ NES/ NP2021-193**

In The Matter of the Industrial Relations Act

And

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

**BETWEEN**

**DONOVAN HIGGS**

Applicant

AND

**SMG MILLWORKS LIMITED**

Respondent

**APPEARANCES:** Mr Errol McKinney for the Applicant

Mr Darren Bain for the Respondent

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

---

**ORDER ON DIRECTIONS**

---

**WHEREAS:**

- 1) By Certificate of Referral of a Trade Dispute dated 8 November 2021, the Minister referred the subject dispute to the Industrial Tribunal;
- 2) Pursuant to Rule 3(1) of the Industrial Relations (Tribunal Procedure) Rules, 2010 a Notice for presentation of an Originating Application was issued by the Secretary of the Industrial Tribunal to the Applicant;

- 3) The Applicant filed an Originating Application (Form A) in the Industrial Tribunal on 8 November 2021;
- 4) Pursuant to Rule 4 of the Industrial Relations (Tribunal Procedure) Rules, 2010 a Notice of the Originating Application (Form C) was issued on 9 November 2021 by the Tribunal to the Respondent;
- 5) The Respondent filed a Notice of Appearance (Form D) on 18 November 2021 and a Defence (Form E) on 6 January 2022;
- 6) This matter was listed for a Case Management hearing on 13 April 2022, notice of which (by Form J) was served on the Applicant and on the Respondent.
- 7) The issue of whether Darren Ginns is a proper party to the trade dispute was discussed. Mr Bain for the Respondent confirmed that SMG Millworks Limited is the proper Respondent and that Darren Ginns is not. Mr McKinney for the Applicant agreed to the discontinuance of the action against Darren Ginns.

**IT IS HEREBY ORDERED** as follows:

**Parties**

1. The Respondent, Darren Ginns, is dismissed from these proceedings as a party pursuant to Rule 16(2) of the Industrial Relations (Tribunal Procedure) Rules 2010 and consequently, the trade dispute shall henceforth be intitled as written at the head of this Order;

**Filing**

2. The parties shall file all documents referred to in paragraphs 3, 4 and 5 of this Order with the Tribunal electronically and shall furnish the Tribunal with physical copies for the assigned judge who will hear the trial and/or any interlocutory applications;

3. The Applicant shall file his Witness Statement(s) and Bundle of Documents and serve them on the Respondent on or before Wednesday 4 May 2022;
4. The Respondent shall file its Witness Statement(s) and Bundle of Documents and serve them on the Applicant on or before Wednesday 25 May 2022;
5. The parties shall file and exchange with each other their respective opening Skeleton Arguments by no later than Friday 3 June 2022;

**Witnesses**

6. Each party shall be at liberty to call up to four (4) witnesses at the trial of this matter;

**Liberty to Apply**

7. The parties shall have liberty to apply for further directions and/or to vary these directions.

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

Dated this 13<sup>th</sup> day of April A.D. 2022.

---

**Simone I Fitzcharles**

**Vice President**