

**INDUSTRIAL TRIBUNAL**

**COURT #3 SAFFREY SQUARE, EAST & BAY STREETS, NEW PROVIDENCE  
COMMONWEALTH OF THE BAHAMAS**

Before

**Mrs. Rionda Godet Vice President (Acting)**

**(Sitting Alone)**

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**ALFRED A. CULMER**

**Applicant**

**AND**

**ANACHRONIST SPINE INSTITUTE**

**Respondent**

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**ORDER OF DISMISSAL BY WAY OF SETTLEMENT**

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**APPEARANCES**

**For the Applicant**

**Italia Cartwright - Attorney**

**For the Respondent**

**Christina Galanos - Attorney**

**WHEREAS:**

- 1) On 9<sup>th</sup> December 2021, the Applicant, represented by Attorney Italia Cartwright and the Respondent represented by Attorney Christina Galanos, appeared for Case Management before VP Simone FitzCharles.
- 2) It was ordered that the Applicant would file and serve her Witness Statements and Bundle of Documents on the Respondent on or before Tuesday 18<sup>th</sup> January 2022, and that the Respondent would file and serve its Witness Statements and Bundle of Documents on the Applicant on or before Tuesday 1<sup>st</sup> February 2022.
- 3) Moreover, *inter alia*, the Applicant was to file and serve on the Respondent her Skeleton Arguments and Authorities on or before Tuesday 15<sup>th</sup> February 2022 and the Respondent was to file and serve its Skeleton Arguments on the Applicant on or before Tuesday 1<sup>st</sup> March 2022. It was further ordered that the parties would have liberty to apply for further directions and/or to vary these directions.
- 4) On 29<sup>th</sup> September 2022, the Applicant's Attorney Italia Cartwright and on 15<sup>th</sup> September 2022, the Respondent's Attorney were served the FORM J, stating the day of Hearing as 6<sup>th</sup> October 2022.
- 5) The Applicant's attorney presents a letter of excuse for the Applicant's absence but advises she will carry on in his absence. Appearances having been determined, the Court enquires as to Section 60 IRA efforts. The Parties have not spoken since Conciliation. Matter stood down for 10 minutes for the Parties to affect dialogue with a view to resolution.
- 6) Parties return at 10:15 am. There have been progressive discussions but \$1000 separates. Court in the spirit of conciliation makes enquiry of the opportunity of a 50/50 split in the sum of \$500. Matter stood down to 2:30 pm for the parties to effect further negotiation.
- 7) Matter resumes at 2:30 pm. Parties have agreed to the settlement sum of \$2,000 and Form K to be presented tomorrow 7<sup>th</sup> October 2022 – Payment of \$1000 to be effected November 6<sup>th</sup> and final payment of \$1000 to be effected December 6<sup>th</sup> 2022.
- 8) Court expresses relief that the parties have come to their own resolution as the matter would have been dismissed by reason of the Applicant's non-compliance with Case Management Directions. In the absence of witness statements or skeleton arguments, the Court had no basis upon which to adjudicate the matter or consider the merits of either side. Liberty was granted to both parties to apply for variation of the Case management directions or for an extension of time, but no such action was taken.
- 9) It is the Applicant's Originating Application that has brought the Respondent to the Tribunal to give answer to the matters claimed therein. It was therefore incumbent on

the Applicant to avail the necessary resources to comply with the terms of the Case Management Order and to effect proper dialogue and communication with her attorneys concerning same. This is the Applicant's case, and it is the Applicant who is charged with the responsibility of prosecuting it with the assistance of her legal advisors.

10) Accordingly, the parties having effected mutual resolve in the matter, the Applicant herewith withdrawing her application, this matter stands dismissed.

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

Dated this 6<sup>th</sup> day of October, A.D., 2022

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Rionda Godet  
Vice President (Acting)  
Industrial Tribunal