

INDUSTRIAL TRIBUNAL

**COURT #5 SAFFREY SQUARE, EAST & BAY STREETS, NEW PROVIDENCE
COMMONWEALTH OF THE BAHAMAS**

Before

Mrs. Rionda Godet Vice President

(Sitting Alone)

BRIAN OMAR SANDS

Applicant

AND

THE MALL AT MARATHON LIMITED

Respondent

ORDER ON DIRECTIONS

APPEARANCES

For The Applicant

Mr. Rawson McDonald
Rawson McDonald & Co

For The Respondent

Mr. Adrian Hunt
Graham Thompson & Co.

WHEREAS:

- 1) By Certificate of Referral dated 3rd January 2023, the Minister referred the subject dispute to the Industrial Tribunal; and
- 2) In accordance with Rule 3(1) of the Industrial Relations (Tribunal Procedure) Rules, 2010 a Notice for the Originating Application Form A was sent on 27th March 2023 by Her Honour, President Indira Demeritte Francis, to the Applicant; and
- 3) Upon receipt by the Applicant of the Notice for an Originating Application, the Applicant filed an Originating Application in the Tribunal on 13th April 2023; and
- 4) A copy of the Notice of Originating Application, Form C, and a Notice of Appearance, Form D, was issued to the Respondent on 14th April, 2023.
- 5) A Notice of Appearance, Form D, was entered by the Respondent on the 20th April, 2023 and
- 6) On 8th June 2023, a Notice was sent to the Respondent's representative, Mr. Adrian Hunt of Graham Thompson, pursuant to Rule 6 of the Industrial Relations (Tribunal Procedure) Rules, 2010 for a Form E to be submitted in accordance with the said rule; and
- 7) A Defence, Form E, was filed by the Respondent on 20th June 2023 and
- 8) Pursuant to Rule 15 (1) of the Industrial Relations (Tribunal Procedure) Rules 2010, the Industrial Tribunal, by way of Form J dated 31st July 2023, set a fixture for a Case Management Hearing for today's date; and

IT IS HEREBY ORDERED, BY CONSENT, as follows:

1. The trial of this matter shall be set down for one day;

2. The Applicant has indicated that he intends to call up to two witnesses and the Respondent has indicated that it intends to call up to two witnesses.
 - 2.1 There shall be an inspection of documents at a place and time to be agreed between the parties on or before 8th September 2022.
 - 2.2 The Applicant shall file his Witness Statements and Skeleton Arguments no later than **4:00 p.m.** on 22nd September **2023** and the Respondent shall file its Witness Statements and Skeleton Arguments no later than **4:00 p.m.** on **6th October 2023** and, upon filing, the Applicant and the Respondent shall provide a hard copy of each to the Secretary to Court No. 5 and a copy of which shall be retained for the Court's use. Should the parties have their witnesses appear in person, a second hard copy of all documents to be relied upon at the hearing hereof, shall be presented to the secretary to Court No. 5.
 - 2.3 The witness statements shall stand as evidence in chief at the trial and should any witness not attend, the witness statements will not be accepted as evidence.
3. The Applicant and the Respondent shall file an agreed Bundle of Documents with two copies to the secretary to Court No. 3 of the Tribunal no later than **4:00 p.m.** on **20th October 2023**.
4. The trial of this matter is set for one day, to be determined by the Registry

AND THIS IS THE ORDER OF THIS TRIBUNAL

Dated this 31st August, 2023

**Rionda Yvette Godet
Vice President
Industrial Tribunal**