

COMMONWEALTH OF THE BAHAMAS No. IT/NES/NP2023-094
INDUSTRIAL TRIBUNAL

In The Matter of The Industrial Relations Act

And

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

THOMAS M. MOXEY

APPLICANT

vs

PRINCESS CAYS LIMITED

RESPONDENT

BEFORE: Her Honour, Vice President
Mrs. Rionda Y. Godet

ORDER

Directions for Trial

APPEARANCES

THOMAS M. MOXEY

Hilbert Collie - Attorney

Hilbert Collie & Associates

PRINCESS CAYS LIMITED

Camille Cleare - Attorney

Harry B Sands, Lobosky & Co.

WHEREAS:

- 1) By Certificate of Referral dated 28th August, 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 14th September 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 25th September 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 4th October 2023.
- 5) A Notice of Appearance, Form D, was entered by the Respondent on the 24th October, 2023 and
- 6) On 24th November 2023, a Notice was sent to the Respondent's representative, 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 Notice for Further and Better Particulars, Form F, was filed by the Respondent on 8th November 2023 for which response was provided by the Applicant on 28th November 2023.

- 8) Pursuant to Rule 15 (1) of the Industrial Relations (Tribunal Procedure) Rules 2010, the Industrial Tribunal, by way of Form J dated 15th January 2024, 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 two days;
2. The Applicant has indicated that he intends to call up to three 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 14th February 2024.
 - 2.2 The Applicant shall file his Witness Statements and Skeleton Arguments no later than 4:00 p.m. on 28th February 2024 and the Respondent shall file its Witness Statements and Skeleton Arguments no later than 4:00 p.m. on 14th March 2024 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. 5 of the Tribunal no later than 4:00 p.m. on 28th March 2024.

4. The trial of this matter is set for two days, to be determined by the Registry

AND THIS IS THE ORDER OF THIS TRIBUNAL

Dated this 30th January 2024

Rionda Yvette Godet
Vice President
Industrial Tribunal