



**WITHOUT NOTICE APPLICATION
FOR SERVICE BY A SPECIFIED METHOD**



IN THE SUPREME COURT OF JUDICATURE OF JAMAICA

IN THE COMMERCIAL DIVISION

CLAIM NO. 2021 SU CD 00187



**IN THE MATTER OF THE COMPANIES ACT OF
JAMAICA**

AND

**IN THE MATTER OF AN APPLICATION BY
JAMAICAN BAR ASSOCIATION FOR DIRECTIONS
PURSUANT TO SECTION 130(2) OF THE
COMPANIES ACT OF JAMAICA**

The Applicant, **JAMAICAN BAR ASSOCIATION**, a company limited by guarantee and incorporated in Jamaica with its principal office at 78 Harbour Street, in the city and parish of Kingston seeks orders that:

1. The Applicant may give notice of these proceedings to its members by publishing:
 - (a) The Fixed Date Claim Form, the Affidavit in Support of the Fixed Date Claim Form, this Order and any other documents filed in these proceedings on the Applicant's website at www.jambar.org; and
 - (b) a notice sent via email on two occasions one week apart at least seven (7) days before the hearing of the Fixed Date Claim Form, including the documents set out in (a) above and also indicating that the documents can be found on the said website.
2. The first hearing of the Fixed Date Claim Form shall be fixed for a date that is no more than four (4) weeks from the filing of this claim.

3. Such further or other relief as this Honourable Court deems just.

THE GROUNDS ON WHICH THE APPLICANT IS SEEKING THE ORDERS ARE AS FOLLOWS:

1. In these proceedings, the Applicant will seek directions from the Court regarding the holding of its next annual general meeting and extraordinary general meeting, in light of the SARS-CoV-2 ("Coronavirus COVID -19") pandemic and restrictions likely to be in place pursuant to any order passed pursuant to the Disaster Risk Management Act.
2. In accordance with Section 23 of THE DISASTER RISK MANAGEMENT (ENFORCEMENT MEASURES) (NO. 5) ORDER, 2021, no Annual General Meetings can be held between April 13, 2021 and May 4, 2021.
3. As a consequence, the Annual General Meeting of the Jamaican Bar Association, originally fixed for April 17th, 2021 was postponed until further notice.
4. The Order also maintains the prohibition against persons over the age of sixty-five years old from leaving their place of residence except for specified purposes, none of which include attending a company's General Meeting.
5. The Applicant is required to have its next annual general meeting under the Companies Act within the next five (5) months.
6. The Applicant will be unable to hold its next annual general meeting or any extraordinary general meeting in keeping with the provisions of the Companies Act or its Articles of Incorporation during the said period while the COVID -19 pandemic is likely to

still be prevalent. It is also very likely that the Applicant will not be able to hold any annual general meeting or extraordinary general meeting for at least the next year as the COVID-19 pandemic is expected to still be prevalent for that period.

7. Rule 42.12(1) the Civil Procedure Rules (“CPR”) provides that where in a claim an order is made which may affect the rights of persons who are not parties to the claim, the court may at any time direct that a copy of any judgment or order be served on any such person.
8. Rule 42.12(2) of the CPR provides that service must be effected in accordance with Part 5.
9. Rule 5.14 of the CPR gives the court the power to make an order for service by a method specified by the court.
10. The members of the Applicant have a right to attend and be heard at its annual general meetings and extraordinary general meetings and directions pursuant to section 130(2) of the Companies Act may affect their rights. However, the Applicant has approximately 2000 members and therefore it would be impracticable to serve all members personally.
11. The proposed method of service will likely bring the Fixed Date Claim Form, the Affidavit in support of the Fixed Date Claim Form and other documents to the attention of the members and they will likely be able to ascertain the content of the documents.
12. The Applicant maintains an email mailing list and this is the primary method of communication with its members. The Notice of the Annual General Meeting fixed originally fixed for April 17th 2021 was sent via email with all the relevant documents. This

method of notification is permitted by the Articles of Incorporation of this Applicant.

13. Rules 27.2 (1) and (2) provide that the general rule is that when a Fixed Date Claim Form is issued the Registry must fix a date, time and place for the first hearing and that date shall not be less than four (4) weeks nor more than eight (8) weeks from the date on which the fixed date claim form is issued unless the court otherwise directs.
14. For the reasons already stated in the preceding paragraphs it is urgent that the first hearing of the Fixed Date Claim Form be fixed for a period no more than four (4) weeks from the date it is issued.

IT IS NOT INTENDED TO GIVE NOTICE OF THIS APPLICATION PURSUANT TO RULES 5.14(2) OF THE CPR.

This Application will be heard by a Judge in Chambers on the _____ day of _____ 2021 at the Supreme Court, King Street, Kingston at _____ a.m./p.m.

TAKE NOTICE that at the hearing of this application the Applicant will refer to and rely on the affidavit of Emile G.R. Leiba sworn to on April 29th, 2021.

The Applicant estimates the likely length of the hearing to be **15 minutes**.

DATED THE 29th DAY OF APRIL 2021

**DUNNCOX
ATTORNEYS-AT-LAW FOR THE CLAIMANT**

PER 

NICKARDO LAWSON

FILED BY DUNNCOX Attorneys-at-Law of 48 Duke Street, Kingston, Attorneys-at-Law for and on behalf of the Claimant whose address for service is that of its said Attorneys-at-Law. **(Attention: Mr Nickardo Lawson Attorney no. 6061 Nickardo.lawson@dunncox.com)**