

Court File No.

**COURT OF APPEAL FOR ONTARIO**

BETWEEN:

**NELSON BARBADOS GROUP LTD.**

Plaintiff  
(Appellant)

-and-

RICHARD IVAN COX, GERARD COX, ALAN COX, PHILIP VERNON NICHOLLS, ERIC ASHBY BENTHAM DEANE, OWEN BASIL KEITH DEANE, MARJORIE ILMA KNOX, DAVID SIMMONS, ELNETH KENTISH, GLYNE BANNISTER, GLYNE B. BANNISTER, PHILIP GREAVES, a.k.a. PHILP GREAVES, GITTENS CLYDE TURNEY, R. G. MANDEVILLE & CO., COTTLE, CATFORD & CO., KEBLE WORRELL LTD., ERIC IAIN STEWART DEANE, ESTATE OF COLIN DEANE, LEE DEANE, ERRIE DEANE, KEITH DEANE, MALCOLM DEANE, LIONEL NURSE, LEONARD NURSE, EDWARD BAYLEY, FRANCIS DEHER, DAVID SHOREY, OWEN SEYMOUR ARTHUR, MARK CUMMINS, GRAHAM BROWN, BRIAN EDWARD TURNER, G.S. BROWN ASSOCIATES LIMITED, GOLF BARBADOS INC., KINGSLAND ESTATES LIMITED, CLASSIC INVESTMENTS LIMITED, THORNBROOK INTERNATIONAL CONSULTANTS INC., THORNBROOK INTERNATIONAL INC., S.B.G. DEVELOPMENT CORPORATION, THE BARBADOS AGRICULTURAL CREDIT TRUST, PHOENIX ARTISTS MANAGEMENT LIMITED, DAVID C. SHOREY AND COMPANY, C. SHOREY AND COMPANY LTD., FIRST CARIBBEAN INTERNATIONAL BANK (BARBADOS) LTD., PRICE WATERHOUSE COOPERS (BARBADOS), ATTORNEY GENERAL OF BARBADOS, the COUNTRY OF BARBADOS, and JOHN DOES 1-25, PHILIP GREAVES, ESTATE OF VIVIAN GORDON LEE DEANE, DAVID THOMPSON, EDMUND BAYLEY, PETER SIMMONS, G.S. BROWN & ASSOCIATES LTD., GBI GOLF (BARBADOS) INC., OWEN GORDON FINLAY DEANE, CLASSIC INVESTMENTS LIMITED and LIFE OF BARBADOS LIMITED c.o.b. as LIFE OF BARBADOS HOLDINGS, LIFE OF BARBADOS LIMITED, DAVID CARMICHAEL SHOREY, PRICEWATERHOUSECOOPERS EAST CARIBBEAN FIRM, VECO CORPORATION, COMMONWEALTH CONSTRUCTION CANADA LTD. AND COMMONWEALTH CONSTRUCTION, INC.

Defendants  
(Respondents in Appeal)

**AMENDED NOTICE OF APPEAL**

THE PLAINTIFF (appellant) APPEALS to the Court of Appeal from the judgment of the Honourable Mr. Justice J. Bryan Shaughnessy dated May 4<sup>th</sup>, 2009 at Whitby, Ontario.

THE APPELLANT ASKS that the judgment of the Honourable Mr. Justice J. Bryan Shaughnessy dated May 4<sup>th</sup>, 2009 be set aside and a judgment be granted as follows:

1. That jurisdiction and venue be in Ontario and that the statement of claim has been properly served according to Rule 17.
2. Costs of the Appeal be paid to the appellant.
3. Such further and other relief as counsel may advise and this Honourable Court permit.

THE GROUNDS OF APPEAL are as follows:

1. The learned judge erred in fact and law in finding the Ontario Superior Court of Justice to have no jurisdiction over the proceeding.
2. The learned judge erred in fact and law in finding that Ontario is not a convenient forum for the hearing of the action.
3. The learned judge erred in fact and law in finding that there has not been proper service of the Amended Statement of Claim in compliance with the Rules of Practice and the Hague Convention.
4. Such further and other grounds as will be advised upon receipt of the transcript, review of evidence and in the appellant's factum to be filed.

**THE BASIS OF THE APPELLATE COURT'S JURISDICTION IS:**

1. Section 6(1)(b) of the Courts of Justice Act:  
  
6(1) Court of Appeal jurisdiction – An appeal lies to the Court of Appeal from,  
  
(b) a final order of a judge of the Superior Court of Justice, except an order referred to in clause 19 (1)(a) or an order from which an appeal lies to the Divisional Court under another Act. 1994, c. 12, s. 1.
2. The order appealed from is final.
3. Leave is not required.

June 5<sup>th</sup>, 2009.

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