



**IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION**

CAUSE NO. FSD 50 OF 2023 (DDJ)

IN THE MATTER OF THE FRAUDULENT DISPOSITIONS ACT (1996 REVISION)

BETWEEN:

- (1) KISHA DEAN TREZEVANT**
- (2) SEVEN MILE BEACH HOTEL DEVELOPMENT CORP. LTD**

Plaintiffs

AND

- (1) STANLEY H. TREZEVANT III**
- (2) R&W CAYMAN PROPERTIES, LTD**

Defendants

THE REGISTRAR OF LANDS

Interested Party

Before: The Hon. Justice David Doyle

Heard: On the papers

Draft Judgment circulated: 9 October 2024

Judgment delivered: 11 October 2024

Determination of various costs issues

Judgment

Introduction

1. On 29 August 2024 I delivered a judgment and by order made on 13 September 2024 ordered the

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parties to file and serve concise written submissions on costs before 3pm on 20 September 2024 and indicated that the costs position may be determined on the papers without the need for a further hearing.

Submissions

2. I have considered:
 - (1) the First Defendant's costs submissions dated 20 September 2024 brought to my attention by email after 3pm on 20 September 2024;
 - (2) the Second Defendant's costs submissions dated 20 September 2024 brought to my attention by email on 3 October 2024;
 - (3) the Plaintiffs' costs submissions dated 20 September 2024 brought to my attention by email on 3 October 2024;
3. The Plaintiffs say that the bulk of the Plaintiffs' costs were incurred in relation to the Defendants' split trial application which was moved at the hearing and on which the Plaintiffs were successful. The Plaintiffs offered, they say in the interests of compromise, to accept an award of 60% of their costs (although they estimate 75% of their costs were incurred in dealing with the split trial application) but that offer was rebuffed.
4. The Defendants say that all the costs of the Summons should be costs in the cause.

Determination

5. I note that the Summons to progress matters was that of the Second Defendant rather than the Plaintiffs or the First Defendant.
6. The Summons enabled matters to progress and for sensible directions to be made towards trial for the benefit of all parties.

7. It is correct that the Plaintiffs were successful in resisting the application for a split trial. However, in other respects the Plaintiffs were unsuccessful.
8. I have considered all the submissions placed before the court.
9. In my judgment, justice is best achieved in this case by the court making an order that the costs of the Summons and the directions hearing be costs in the cause and that is the order I make.
10. Counsel to file within 7 days of the delivery of this judgment a draft order reflecting my determinations on costs.

David Doyle

**THE HONOURABLE JUSTICE DAVID DOYLE
JUDGE OF THE GRAND COURT**