



# In The Supreme Court of Bermuda

## CIVIL JURISDICTION

2023: No. 347

**BETWEEN:**

**GAYLE ANN VENTURES**

**Plaintiff**

**- and -**

**CLARIEN BANK LIMITED**

**First Defendant**

**ALEXANDRA N WHEATLEY**

**Second Defendant**

**GEOFFREY BELL**

**Third Defendant**

## RULING

**Date of Hearing and Rulings: 5, 6 December 2024**

**Appearances: Plaintiff Gayle Ventures in Person (by Zoom) with her McKenzie Friend Ms. LeYoni Junos**

### **RULING of Mussenden CJ**

1. These two Rulings were issued in Chambers and are now set out in writing.

5 December 2024

2. Having heard the submissions in the *ex parte* application for leave to appeal on four grounds, I ruled as follows:
  - a. Ms. Ventures, by her McKenzie Friend Ms. Junos, advanced four grounds of appeal as set out in her written submissions. These arise from my Ruling dated 13 August 2024 in which I declined to grant the recusal application.
  - b. In my view Grounds 1 and 2 are arguable as they raise: (i) the issue of bias as it related to the relationship between myself and Mrs. Wheatley who is the substantive Registrar but is now an acting Judge on a temporary basis; and (ii) the issue where a complaint has been lodged against me by Ms. Ventures.
  - c. In respect of Grounds 3 and 4, I am of the view that those grounds are not arguable to go before the Court of Appeal.
  - d. Therefore, I am satisfied to grant leave to appeal on Grounds 1 and 2.
  - e. I refuse leave to appeal in respect of Grounds 3 and 4.
  
3. After the hearing I realised that I had omitted to follow the procedure set down in Order 2 rule 3(c) in the Rules of the Court of Appeal. I caused Ms. Ventures to be given notice to appear the next day 6 December 2024 with a reference to the omission.

#### 6 December 2024

4. Mrs. Ventures appeared (by zoom) with her McKenzie Friend Ms. Junos. I explained my omission from the previous day. Ms. Junos acknowledged the omission. She requested to make an application to not proceed with an *inter partes* hearing on the basis of undue hardship. Having heard the submissions on undue hardship, I ruled as follows:
  - a. I have considered the undue hardship submissions. I am not satisfied that in the normal course of proceedings that the timelines can be considered to be extraordinary in delay. Whilst I understand that the proceedings may cause the Plaintiff anxiety, that is likely the case for all parties in litigation.
  - b. I refuse the application for undue hardship.

- c. I direct that the proceedings be served on the parties affected pursuant to Order 2 rule 3(c) so that there will be an *inter partes* hearing.
- d. It will be the aim of the court to deal with the matter on an expedited basis.
- e. The Order I made yesterday to grant leave to appeal is withdrawn as it was made in error.

Dated 6 December 2024



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**LARRY MUSSENDEN**  
**CHIEF JUSTICE**